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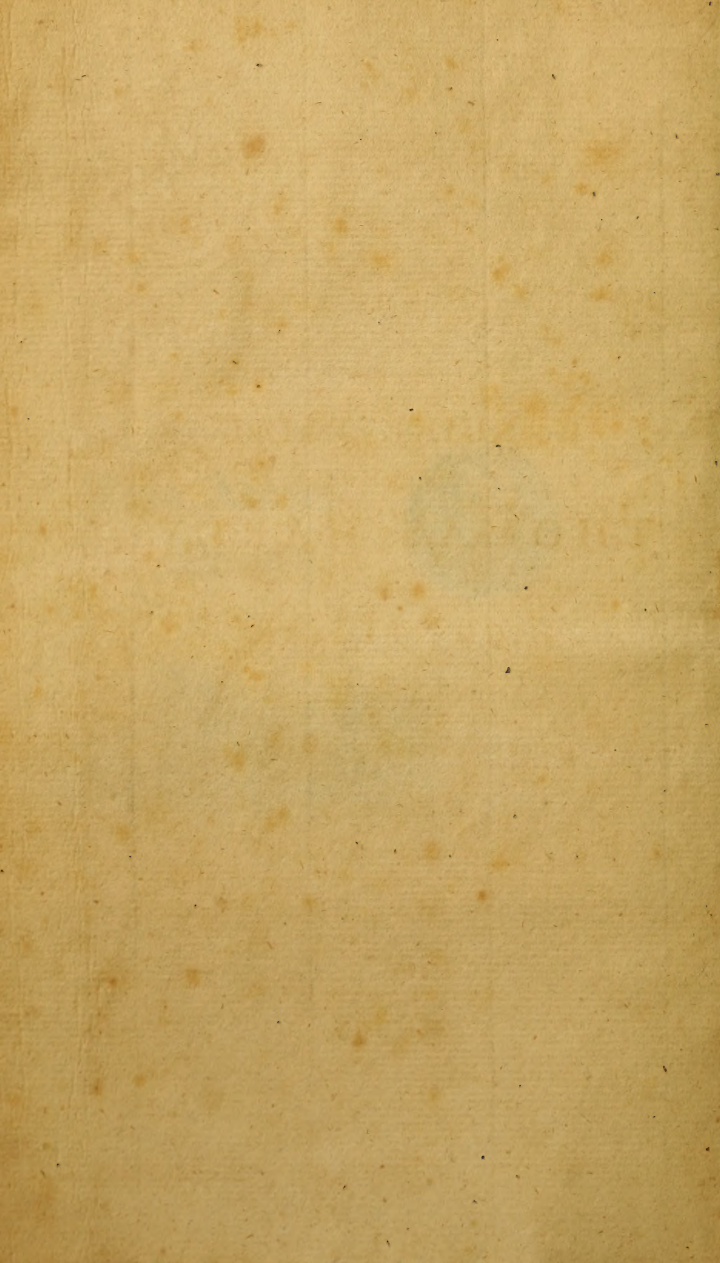


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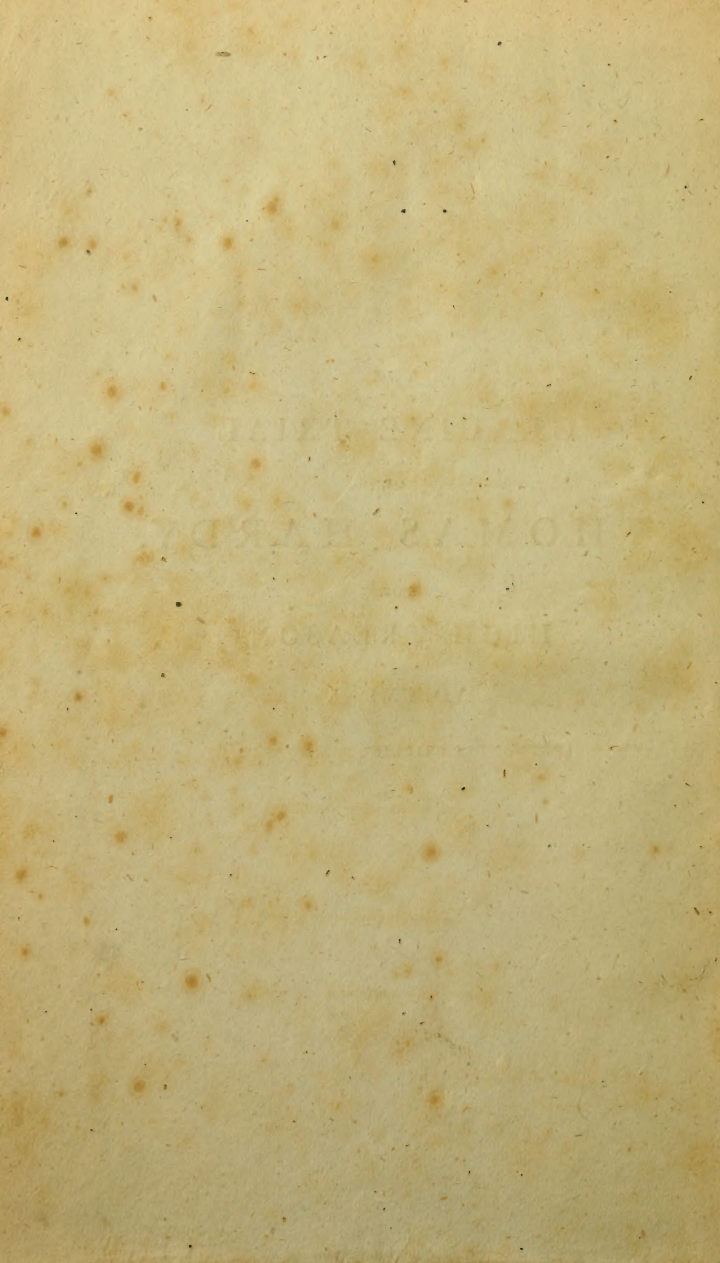
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THE
GENUINE TRIAL
OF
THOMAS HARDY,
FOR
HIGH TREASON.

VOLUME II.

(PRICE NINE SHILLINGS IN BOARDS.)



THE
GENUINE TRIAL
OF
THOMAS HARDY,
FOR
HIGH TREASON,
AT THE
SESSIONS HOUSE IN THE OLD BAILEY,
FROM
OCTOBER 28 TO NOVEMBER 5, 1794.

CONTAINING

| | |
|--|---|
| THE OPENING OF THE SPECIAL COMMISSION. | SPEECHES, VERBATIM, OF THE ATTORNEY AND SOLICITOR GENERALS. |
| THE LORD PRESIDENT'S CHARGE TO THE GRAND JURY. | COPIES OF ALL THE PAPERS READ IN EVIDENCE. |
| LIST OF NAMES AND PLACES OF RESIDENCE OF THE WITNESSES AND JURORS. | SPEECHES, VERBATIM, OF MESSRS. ERSKINE AND GIBBS. |
| ARRAIGNMENT OF THE PRISONERS. | DEFENCE OF THE PRISONER. |
| COPY OF THE INDICTMENT. | SUMMARY OF THE LORD PRESIDENT. |
| CHALLENGING OF THE JURY. | VERDICT OF THE JURY, &c. &c. |
| EXAMINATION OF WITNESSES. | |

By MANOAH SIBLY,
SHORT-HAND WRITER TO THE CITY OF LONDON.

VOLUME II.

LONDON:
PRINTED FOR J. S. JORDAN, NO. 166, FLEET STREET.

1795.

ADAMS 1617

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THE
TRIAL
 OF
THOMAS HARDY,
 FOR
HIGH TREASON.

SESSION-HOUSE, OLD BAILEY.

FRIDAY MORNING, OCTOBER 31, 1794.

THE Court met at nine o'clock, pursuant to adjournment.

PRESENT,

THE LORD CHIEF JUSTICE, LORD PRESIDENT,

The LORD CHIEF BARON,
 Mr. BARON HOTHAM,

Mr. JUSTICE BULLER,
 Mr. JUSTICE GROSE.

Mr. GURNELL called in.

Mr. Bower. Did you find that paper in Mr. Hardy's house?
(a paper shewn him.)

A. Yes.

(Read by the Clerk of the Court.)

"Friday, July 12th, 1792, division No. 8, forty-seven members;
 No. 47, Mr. Rouffel, No. 4, Shepherd Street, New Bond
 Street."

Mr. Bower. This is to shew your Lordship that Rouffel was a
 member of this society.

BERNARD BAILEY sworn.---Examined by Mr. ATTORNEY
 GENERAL.

Q. Look at that book? *(a book shewn him.)*

A. This is my hand-writing.

Q. Where did you find that?

A. I found it in Mr. Rouffel's apartment.

Q. Look at that song? *(a song shewn him.)*

A. I found this in Mr. Rouffel's apartment.

Q. Where?

A. George Street, Blackfriars.

Q. Mr. Roussel was present at that time?

A. Yes.

(*Read by the Clerk of the Court.*)

A song, intituled "The New Constitution---See, Britons, see that rising beam, The eastern skies adorning," &c.---and a book intituled "Explanation of an Engraving of the manual Exercise, and Platoon firing."

Cross-examined by Mr. GIBBS.

Q. Who was with you?

A. John Coombes, an officer.

Q. Who desired you to go?

A. Mr. Wickham, the magistrate.

Q. When?

A. It was found on the 19th of May.

Mr. Gibbs. Then, with submission to your Lordship, it is not evidence, for it was after Mr. Hardy was taken up. I am speaking as to the song.

Lord President. I wish that had been observed before.

Mr. Gibbs. I wish it had, my Lord; but I did not know it till I came to the cross examination.

Mr. Attorney General. You found the book at the same time with the song?

A. Yes.

Mr. Attorney General. I submit to your Lordship the book is evidence, because it is an explanation of the manual exercise which was used before.

Mr. Gibbs. How do I know that this was not written afterwards?

Lord President. I think, therefore, it ought not to be admitted, unless they are prepared to shew that the printing existed before.

Mr. Attorney General. The papers I am now going to produce are two papers, one found in the custody of Mr. Martin, the other found in the custody of Mr. Thelwall. They were found in their custody, certainly, after the prisoner was apprehended; but they bear date April, 1794, and seem to have been prepared for and bear reference to the Chalk Farm meeting.

Mr. Gibbs. I only wish to hear your Lordship's opinion. It seems to me there is the same objection to this as to the other, unless you can prove that they were in the possession of the prisoner, or some of the Corresponding Society, before the prisoner was apprehended.

Mr. Attorney General. Supposing the objection to be well founded, I think I can shew that they existed in the month of April, 1794.

JOHN GROVES sworn.---*Examined by Mr. LAW.*

Q. Was you present at the Globe Tavern, Strand, 20th January, 1794?

A. I was.

Q. At

Q. At a general meeting of the Corresponding Society?

A. I was.

Q. Was you a member of that society at that time?

A. No.

Q. Was you admitted a member after that?

A. Yes; I became a member very early in the month of February.

Q. You have observed the proceedings that took place on the 20th January, 1794; what induced you to become a member?

A. I was desired by a particular gentleman to attend, for the purpose of discovering what they were about, whose name, if you wish, I will tell you.

Q. No, there is no need of mentioning his name.---Tell us what passed that day in your presence.

A. There was a very great assembly of people there, and I believe a Mr. Martin was called to the chair, who read an address; I believe a Mr. Richter afterwards read it over again.

Q. Were any toasts drank at that meeting?

A. I don't recollect any particular toasts, but a great number were drank; and by the paper that was published I shall be able to refresh my memory.

Q. You have no paper that you made remarks on at the time?

A. I have not.

Q. Do you recollect any expressions that were made use of;---was there any conversation that you recollect of any of the members of the society at that time, and the language?

A. Their language was in general for universal suffrage, and annual parliaments.

Q. Was it mentioned by any of the members by what means that object was to be obtained?

A. Not that time.

Q. Did you hear of it at any subsequent time?

A. I always understood---

Mr. Gibbs. Never mind what you always understood; tell us what was said.

Mr. Law. What was publicly declared to be their object?

A. By enlightening the minds of the lower order of the people, to give them opportunities of instruction, that they might know what the natural freedom of all mankind was.

Q. Did they say how they were to carry into effect that purpose of enlightening the people?

A. By the distribution of certain papers calculated for their understandings.

Mr. Gibbs. Does your Lordship think that this kind of evidence should go on, without naming the persons? Your Lordship sees it is utterly impossible for us to have an opportunity of contradicting this kind of evidence.

Lord President. If he knows the names of the persons who stated these particulars, he ought to say them: if he does not know, one cannot make a man remember the name of a person. He should state it as being said by persons of that society.

Mr. Law. Do you recollect any particular persons that you had this conversation with as to the mode by which such object was to be obtained?

A. I cannot recollect any particular persons, but I will venture to say, it was the general voice publicly expressed in that society.

Q. Did you hear any thing in this society of arms?

A. No, never.

Q. Was you ever present at any lectures of Mr. Thelwall's?

A. Yes, I have been two or three times.

Q. What was the substance of those lectures?

A. It is matter of opinion of their general tendency: if I may be allowed to give my opinion of them, I will.

Q. What was the general substance of them?

A. A general abuse of the administration altogether.

Q. Did he speak of the branches of the legislature?

A. Yes, in their respective capacities; he represented them in every way that was truly ridiculous.

Q. In what way did he speak of his Majesty?

A. In terms of contempt.

Court. What were those terms of contempt?

A. I have heard him make use of the word Solomon.

Q. What did he say of the House of Lords, the other branch of the legislature?

A. He said it was an aristocratic branch, that swallowed up almost every other function of the government.

Q. Did he recommend any abolition in these parts?

A. He recommended a new modelling.

Q. In what manner did he recommend it to be new modelled?

A. By the general sense of the country.

Q. How?

A. By annual parliaments and universal suffrage, to be collected by calling together the whole body of people in convention.

Q. Did you ever hear him mention convention for the purpose of new modelling the government, and producing annual parliaments?

A. Yes, by calling together the whole body of the people.

Q. Did he recommend it for the purpose of new modelling the parliament and universal suffrage?

A. Yes.

Q. Was you present at Chalk Farm?

A. Yes, I was.

Q. On what day was you present there?

A. If I recollect right, on the 14th of April.

Q. Was

Q. Was there a large assembly of persons on that day?

A. Yes, a very large assembly.

Q. Do you know the persons of any that were present?

A. I do now know: I was not then sufficiently acquainted with the society.

Q. Do you know the prisoner at the bar---was he among the persons present?

A. Yes, he was.

Q. Who was in the chair?

A. A man of the name of Lovett.

Q. What passed at that meeting?

A. A letter was read from the society called the Friends of the People, which letter contained---

Lord President. We shall or have heard the letter read.

Mr. Law. Will you state what was the conversations and transactions of that meeting, as far as you recollect, by persons whom you have since known as members of the Corresponding Society. What was proposed to be done there?

A. They proposed obtaining redress.

Q. Have you no recollection of what you heard read or spoken there?

A. I have a paper in my pocket, if I may be allowed to look at it, from which I can tell you.

Lord President. If he can speak of any particulars of that address, he may be examined to it.

Q. Have you got the address?

A. Yes.

Q. Has it been given in evidence?

A. No.

Q. Were any printed papers delivered at that time?

A. Yes.

Q. Have you got any of them?

A. Yes, I have.

Q. Produce them. (*He produces them.*)

(*Read by the Clerk of the Court.*)

“ At a General Meeting of the London Corresponding Society, held on the Green at Chalk Farm, on Monday the 14th of April, 1794, J. LOVETT in the Chair, *The following Letters were read:*

“ To the Chairman of the Society of the Friends of the People.

“ SIR,

“ At a crisis so important as the present there needs no apology on the part of the London Corresponding Society, for addressing itself to all other associated societies, who have in view the same object as themselves.

“ To the Society of the Friends of the People, arguments are not wanting to shew the importance and absolute necessity of a full and fair Representation of the People of Great Britain.

They

They have investigated the subject for themselves; *they* have exposed to the world a series of plain and indisputable facts, which must excite in the mind of every man well disposed to his country, apprehensions of alarm for the security of the few remaining vestiges of liberty, from which, as Britons, we derive consolation.

“ Deeply impressed with considerations of this nature, the London Corresponding Society earnestly solicits, at this time, the concurrence and assistance of the Society of the Friends of the People, in assembling, as speedily as the nature of the business will admit, a Convention of the Friends of Freedom, for the purpose of obtaining, in a legal and constitutional method, a full and effectual representation.

“ Our request is not made from the impressions of the moment, but after the maturest deliberations on the value and importance of the object for which we are contending, and of the difficulties we may expect from those whose present interests render them hostile to the welfare of their country.

“ The opposition of such persons is no small argument for the goodness of our cause; and their late conduct, when compared with their former professions, exhibits a depravity, unparelled, we trust, on the page of history.

“ Under the auspices of apostate reformers, we have lately beheld serious and alarming encroachments on the Liberties of the People.

“ We have seen with indignation and horror men *legally* and *peaceably* assembled, dispersed by unconstitutional powers, and their papers seized.

“ We have seen some of our most virtuous brethren, whose only crime has been an imitation of Mr. Pitt, and his associates, sentenced to fourteen years transportation, without the sanction of law or even of precedent, of which number, one was held up in the British Parliament as *convicted* and *condemned* before he was even put upon his trial.

“ The insidious attempts also to introduce foreign troops into this country, without the consent of Parliament, and the intended bill to embody foreigners into his Majesty’s service, are measures sufficiently calculated to awaken our fears for the existence even of the name of Liberty. Nor can we overlook that part of the present system of corruption, which maintains, out of the public plunder, a train of spies, more dangerous to society than so many assassins, whose avowed business is to destroy the friends of the country, one by one.

“ These are grievances which demand immediate redress, and when added to those evils which are necessarily connected with every *partial* Representation of the People, call for the strenuous exertions of every lover of his country.

“ But

" But we are told that the present is not the time for Reform, and that innovation may introduce disturbance. Are those persons to judge of the proper time to make a reform, who exist only by corruption? Are the people of Britain to endure every thing without repining, without ardently seeking a radical Reform, because disturbances *may* happen? Have the enemies to reform told us whence these disturbances are to originate? Has a single overt act been committed by the friends to freedom? Have not all the riots, all the public disturbances, all the seditious assemblies, been excited by the enemies to reform? And do they mean to tell us that they will still find other instruments for their wicked designs; that they have yet those who will act over again the outrages that have been perpetrated in some parts of Britain, and attempted in others?

" If such is the determination of those persons *hostile* to a fair representation, *let them look to the consequences*; but let them recollect that it has happened, and may happen again, that those who kindled the flames have perished by them.

" The friends to *Reform* are friends to *Peace*; their principles can be promoted only by peaceable means; they know of no other method of obtaining the object they desire. But they will not be alarmed by the threats of *venal apostates*; they will not draw back because they have seen some of their best friends doomed to exile. They will pursue the course in which they began, and turn neither to the right nor to the left.

" Convinced as the London Corresponding Society is, that as there is no power which *ought*, so there is no power which *can* finally withstand the just and steady demands of a people resolved to be free; they will therefore look with confidence to the *determination*, and they hope to the *co-operation* of the Society of the Friends of the People, in the attainment of an object which involves the dearest interests of society.

" Convinced also that their intentions are of the purest kind, they will never stoop to answer the calumnies of their enemies; but will at all times, and in all circumstances, endeavour, by firmness and perseverance, to deserve the countenance and approbation of the best friends of their country, *the friends of a fair Representation of the People of Great Britain*.

" I am, Sir,

" For the London Corresponding Society,

April 4, 1794.

" THOMAS HARDY, Sec."

" COMMITTEE ROOMS, *Fifth Street*, April 11, 1794.

" SIR,

" Your letter of the 4th instant, addressed to Mr. Sheridan, Chairman of the Friends of the People, was laid before that Society at their meeting on Saturday last; and they instructed their Committee to thank the London Corresponding Society for their communication, and to express the alarm they feel in common with

with every friend of liberty, at the late extraordinary proceedings of Government, so ably detailed, and so justly reprobated by your society. They assure you, that all the friends of reform may 'look with confidence to the determination and co-operation' of this society in every peaceable and constitutional measure, which shall appear to them calculated to promote the object of their institution; but they do not think that which is recommended in your letter is likely to serve its professed purpose. They fear it will furnish the enemies of reform with the means of calumniating its advocates, and so far from forwarding the cause, will deter many from countenancing that which they approve. For these reasons, the Friends of the People must decline to send delegates to the Convention proposed by the London Corresponding Society:---At the same time, they renew their assurances of good will, and desire of preserving a proper understanding and cordiality among all the Friends of Parliamentary Reform, notwithstanding any difference of opinion that may occur as to the best method of accomplishing it.

"In the name, and by order of the Committee,

(Signed) "W. BRETON, Chairman.

"To Mr. T. HARDY, Secretary to the
London Corresponding Society."

Jury. What date is that letter?

A. April 11, 1794.

Mr. Law. Was that letter read: the answer of the Friends of the People?

A. Yes.

Q. How was it received?

A. With universal silence. I do not recollect any approbation of it.

Q. Do you recollect any marks to the contrary?

A. Yes; there were some fell a hissing.

(*Read by the Clerk of the Court.*)

"The following RESOLUTIONS were then passed unanimously:

"Resolved unanimously,

"I. That this Society have beheld, with rising indignation, proportioned to the enormity of the evil, the late rapid advances of despotism in Britain; the invasion of public security; the contempt of popular opinion; and the violation of all those provisions of the Constitution intended to protect the people against the encroachments of power and prerogative.

"II. That our abhorrence and detestation have been particularly called forth by the late arbitrary and flagitious proceedings of the Court of Justiciary in Scotland, where all the doctrines and practices of the *Star Chamber*, in the times of Charles the First, have been revived and aggravated; and where sentences have been pronounced in open violation of all law and justice,
which

which must strike deep into the heart of every man the melancholy conviction that BRITONS ARE NO LONGER FREE.

" III. That the whole proceedings of the late British Convention of the People at Edinburgh, are such as claim our approbation and applause.

" IV. That the conduct of Citizens Margarot and Gerald in particular, by its strict conformity with our wishes and instructions, and the ability, firmness, and disinterested patriotism which it so eminently displayed, has inspired an enthusiasm of zeal and attachment which no time can obliterate, and no persecution remove; and that we will preserve their names engraven on our hearts till we have an opportunity to redress their wrongs.

" V. That any attempt to violate those yet remaining laws, which were intended for the security of Englishmen against the tyranny of Courts and Ministers, and the corruption of dependent Judges, by vesting in such Judges a legislative or arbitrary power (such as has lately been exercised by the Court of Justiciary in Scotland) ought to be considered as dissolving entirely the social compact between the English nation and their governors; and driving them to an immediate appeal to that incontrovertible maxim of eternal justice, *that the safety of the people is the SUPREME, and in cases of necessity, the ONLY law.*

" VI. That the arming and disciplining in this country, either with or without the consent of Parliament, any bands of *emigrants and foreigners, driven from their own country for their known attachment to an INFAMOUS DESPOTISM*, is an outrageous attempt to *overawe and intimidate the free spirit of Britons*; to subjugate them to an army of *mercenary cut-throats*, whose *views and interests* must of necessity be in direct opposition to those of the nation, and that no *pretence whatever* OUGHT to induce the people to *submit to so unconstitutional a measure.*

" VII. That the unconstitutional project of raising money and troops by forced benevolences (and no benevolences collected upon requisition from the King or his Ministers can ever in reality be voluntary) and the equally unjustifiable measure of arming one part of the people against the other, brought Charles the first to the block, and drove James the second and his posterity from the throne; and that consequently ministers in advising such measures, ought to consider whether they are not guilty of high treason.

" VIII. That this society have beheld with considerable pleasure the *consistent respect* which the House of Lords displayed for their own Constitutional Rules and Orders, on the fourth of the present month, upon the motion of Earl Stanhope, concerning the interference of ministers in the internal government of France; and that it is the firm conviction of this society, that this circumstance when properly detailed, will have a considerable effect in convincing the country at large, of the true dignity and utility of that branch of HIS MAJESTY'S PARLIAMENT.

" IX. That the thanks of this meeting be given to Earl Stanhope, for his manly and patriotic conduct during the present session of Parliament; a conduct which (unsupported as it has been in the senate, of which HE is so truly honourable a member) has, together with the timely interference of certain spirited and patriotic associations, been nevertheless already productive of the salutary effect of chasing the Hessian and Hanoverian Mercenaries from our coasts; who, but for those exertions, might have been marched perhaps, ere this, into the very heart of the country, together with others of their countrymen, to have peopled the BAR-RACKS, which every where insult the eyes of Britons.

" X. That it is the firm conviction of this society, that a steady perseverance in the same bold and energetic sentiments which have lately been avowed by the friends of freedom cannot fail of crowning with ultimate triumph, the virtuous cause in which we are engaged, since whatever may be the interested opinion of *hereditary* senators, or *packed* majorities of *pretended* representatives; truth and liberty in an age so enlightened as the present, must be invincible and omnipotent."

" *This society having addressed M. Margarot, their delegate, an ADDRESS to JOSEPH GERALD was read as follows, and carried unanimously.*

" To JOSEPH GERALD, a prisoner sentenced by the High Court of Justiciary of Scotland, to transportation beyond the seas for FOURTEEN YEARS!

" We behold in you, our beloved and respected friend and fellow-citizen, a martyr to the glorious cause of equal representation; and we cannot permit you to leave this degraded country without expressing the infinite obligations the people at large, and we in particular, owe to you for your very spirited exertions in that cause upon every occasion; but upon none more conspicuously than during the sitting of the BRITISH CONVENTION of the PEOPLE at Edinburgh, and the consequent *proceeding* (we will not call it *trial*) at the bar of the Court of Justiciary.

" We know not which most deserves our admiration, the splendid talents with which you are so eminently distinguished; the exalted virtues by which they have been directed; the perseverance and undaunted firmness which you so nobly displayed in resisting the wrongs of your insulted and oppressed country; or your present manly and philosophical suffering under an *arbitrary*, and till of late *unprecedented* sentence: a sentence, one of the most vindictive and cruel that has been pronounced since the days of that *most infamous* and *ever-to-be-detested* Court of Star-Chamber, the enormous tyranny of which cost the first Charles his head.

" To you and to your associates we feel ourselves most deeply indebted. For us it is that you are suffering the sentence of transportation with felons, the vilest outcasts of society! For us

us it is that you are doomed to the inhospitable shores of New Holland; where, however, we doubt not you will experience considerable alleviation by the remembrance of that virtuous conduct for which it is imposed on you, and by the sincere regard and esteem of your Fellow Citizens.

"The equal laws of this country have, for ages past, been the boast of its inhabitants: but whither are they now fled? We are animated by the same sentiments, are daily repeating the same words, and committing the same actions for which you are thus infamously sentenced; and we will repeat and commit them until we have obtained redress; yet we are unpunished! Either therefore the law is unjust towards you in inflicting *punishment* on the exertions of *Virtue and Talents*, or it *ought* not to deprive us of *our share* in the Glory of the *Martyrdom*.

"We again, therefore, pledge ourselves to you and to our country, never to cease demanding our Rights from those who have usurped them, until having obtained an equal representation of the People, we shall be enabled to hail you once more with triumph to your native country.---We wish you health and happiness; and be assured we never, *never* shall forget *your name, your virtues*, nor your Great Example.

"The London Corresponding Society.

"JOHN LOVETT, Chairman.

"THOMAS HARDY, Secretary.

"The 14th of April, 1794."

"*It was also unanimously resolved,*

"That the Committee of Correspondence be directed to convey the approbation of this Society---I. To Archibald Hamilton Rowan, prisoner in the Newgate of the city of Dublin, for his unshaken attachment to the people, and for his spirited assertion of their rights.

"II. To John Philpot Curran, for his admirable and energetic defence of A. H. Rowan, and the principles of Liberty, as well as for his patriotic conduct in Parliament.

"III. To the Society of United Irishmen in Dublin, and to exhort them to persevere in their exertions to obtain justice for the people of Ireland.

"IV. To Skirving, Palmer, and Muir, suffering the same iniquitous sentences, and in the same cause with our delegates.

"V. To John Clark, and Alexander Reid, for their so readily and disinterestedly giving bail for our delegates, instigated thereto solely by their attachment to liberty, uninfluenced by any personal consideration.

"VI. To Adam Gillies, Malcolm Laing, and James Gibson, for their able assistance given to Joseph Gerald, at the bar of the High Court of Justiciary at Edinburgh.

"VII. To felicitate Mr. Thomas Walker, of Manchester, and the people at large on the event of his, as well as several

other late trials, and on the developement of the infamy of a system of spies and informers.

" VIII. To Sir Joseph Mawbey, for his manly conduct at the late surreptitious meeting held at Epfom in Surrey.

" It was also unanimously resolved,

" That two hundred thousand copies of the proceedings and resolutions of this Meeting be printed and published.

" J. LOVETT, Chairman.

" T. HARDY, Secretary.

" Resolved,

" That the thanks of this Meeting be given to the Chairman, for his manly and impartial conduct this day.

" T. HARDY, Secretary."

Mr. LAW. Pray, Sir, with whom did you go to this meeting?

A. I went a good part of the way from Store Street, Tottenham Court Road, with Mr. Thelwall.

Q. How did you know it was to be held at Chalk Farm?

A. I really believed, when I set out, that it was to be held in Store Street.

Q. Was the change of place intimated to you by any particular person?

A. Not till after I was at Store Street.

Q. Who told you it was to be at Chalk Farm?

A. Mr. Thelwall.

Q. Did he tell you why it had been given out to be held at Store Street?

A. If I recollect right, he told me the reason of it being given out to be held at Store Street was an apprehension of the magistrates interfering to put an end to the meeting.

Q. Do you know if there was any printed or written notice left at Store Street, to inform people where the meeting was to be held?

A. Yes; there was a written notice stuck on the door.

Q. You went with Mr. Thelwall?

A. Yes.

Q. Who proposed Mr. Lovett being put in the chair.

A. I cannot say.

Q. Who were the principal persons who spoke and acted in that meeting?

A. Mr. Lovett, Mr. Richter, Mr. Thelwall, Mr. Hodgson.

Q. Did Mr. Thelwall make a speech at that meeting?

A. Two or three.

Q. Do you recollect any thing particular in any of those speeches respecting spies and informers being there?

A. Yes; Mr. Thelwall was for admitting all spies and informers there, because the number of the members of the London Corresponding Society could be no agreeable news to the ministry.

Q. Who

Q. Who read the resolutions?

A. I think, Mr. Richter.

Q. Do you remember any objections being made to the words "A British Senate" in one of those resolutions?

A. Yes, I think there was.

Q. By whom was that objection made?

A. I cannot tell.

Q. Do you recollect Thelwall saying any thing on that subject?

A. As far as belief goes.

Q. After that meeting was over, where did you adjourn to, where did you spend your evening?---but before we come to that, do you recollect any thing particular Mr. Hardy said or did at that meeting?

A. I only recollect Mr. Hardy's speaking three words. Mr. Richter was reading, and in the midst of his reading he stopt short to make some observations of his own; Mr. Hardy, who stood below, looked up to him and said, "Read, Sir, without comment:" and that is the whole that I recollect of Mr. Hardy's saying any thing at all.

Q. Which of those papers was Mr. Richter reading?

A. It was the paper that has just been read, the address of the London Corresponding Society.

Lord President. Do you mean the general address, or the address to Mr. Gerald?

A. No, I mean the general address.

Q. Do you remember any mention of a future meeting to be held of the society?

A. There was a talk of a meeting to be called again soon.

Q. Do you recollect who mentioned that?

A. No.

Q. After the business of the day was over, where did you adjourn to sup that evening?

A. I went in the evening to the division room in Compton Street.

Q. Were suppers had at other divisions that evening?

A. I know nothing of that.

Q. Who was the chairman at that supper?

A. Mr. Thelwall.

Q. Do you remember any remarkable language used by Mr. Thelwall at that supper, or in the course of that evening?

A. I heard something that very much astonished me.

Q. What was it?

A. Thelwall said, taking up a pot of porter in his hand, which had been delivered in by some waiter or somebody, and blowing off the head of the porter, he said, "This is the way I would have all kings served;" or, "This is the way I would serve all kings:"

kings:" one or other I am accurate in, but which of the two it was I cannot say.

Q. But one of the two expressions you are sure he made use of?

A. Yes.

Q. Were any particular toasts given by Mr. Thetwall?

A. Yes---"The lamp-iron at the end of Parliament Street."

Q. Did he add any thing more---did he call upon any body else for another toast?

A. Yes, he called for somebody to cover it; somebody at the further end of the room, whom I knew not, cried out, "The Treasury bench."

Q. Were those toasts, by the members present, drank then?

A. Yes.

Q. And they were members of the Corresponding Society.

A. I should believe no visitors were admitted that night.

Q. Do you know a person of the name of Green?

A. Yes.

Q. Was he a member at that time of the Corresponding Society?

A. Yes.

Q. Will you tell me what you heard him say any where respecting the object of their general plan; what was the end they wished to obtain?

A. He once said to me, annual parliaments and universal suffrage were only to be considered as ladders to attain the end.

Q. Was he a member of the same division with yourself?

A. He was.

Q. Where was this said?

A. It was in the coffee-room before you go into the division-room. I am not speaking of that same evening.

Q. Where was this?

A. No. 3, Compton Street, Soho.

Q. Do you recollect his saying any thing about parliament---the use it was of?

A. Yes.

Lord President. Was any body present, or was it only a conversation between you two?

A. Between us two; there were several other people in the coffee-room.

Mr. Law. Were they near enough to hear you?

A. No, I don't think they were.

Q. Did Green shew you a knife at any time, of any particular sort?

A. At the meeting at Chalk Farm there was a kind of shed, under which we were all sitting previous to the commencement of the business; there were about half a dozen or ten in the same box,

box, and I was surprized by five or six of them pulling out a little instrument exactly corresponding with each other.

Lord President. What sort of an instrument?

A. A thing called a *couteau secrét*, a French knife.

Mr. Law. Describe the form of them---have you got one of them?

A. No, I have not.

Q. You have seen French knives?

A. Yes; there is a spring, by means of which it stands fixed, when open, like a common case knife; and when the blade is put back, unless you put out that spring you cannot shut it; and unless the spring breaks, a person cannot cut himself by it flying back.

Q. Do you recollect any of the persons who had them?

A. I observed five or six with these knives. One of them was Mr. Pearce.

Q. Did Green shew you a knife of the same construction?

A. It was in consequence of conversation I learned where they were to be had. When I saw these knives, and five or six with them, an observation was made that they were bread and cheese knives, and upon that observation there was a smile went round. I looked upon it as harmless innocence.

Q. Did you learn from Mr. Green what number of knives he had sold?

A. I enquired where they were to be had; I was informed I might get one at Mr. Green's. There was a man from Sheffield in the box, whose name I do not recollect.

Lord President. Did you know where Mr. Green lived at that time?

A. Not at that time. I asked one of the company where he lived, and he told me he was a perfumer and hair-dresser in Orange Street, Leicester Fields.

Mr. Law. Did you go there?

A. In the week after I did.

Q. Did you learn from Mr. Green what number of knives he had sold?

A. I think he said he had sold between two and three hundred; he told me to speak very low, for the parlour door was open adjoining to the shop, and he smiled and said that his wife was a damned aristocrat.

Q. Did you attend afterwards a meeting of your division, which I think was No. 2, Compton Street, upon the 28th of April?

A. I cannot recollect the day exactly, but I believe I attended regularly.

Q. Do you recollect any observation made by Mr. Pearce respecting those knives and the use of them, and the conveniency of them?

A. At

A. At that time?

Q. At any time?

A. At the meeting at Chalk Farm, he said, "If you strike with them they will not fly back." The man from Sheffield found fault very much with the construction of those knives.

Q. What fault did he find?

A. He said that they were made in a very bungling manner, not equal to those made at Sheffield.

Q. Did he mention there was a great number of a similar construction made at Sheffield?

A. Yes.

Q. You say you do not recollect whether he was present the 28th of April?

A. I do not recollect the day of the month.

Q. Was you present when any subscription was made for a person who was then in Newgate?

A. Yes; that was a Dr. Hodgson.

Q. Where was that proposed?

A. In the division.

Q. Do you recollect when that was?

A. I don't recollect the date of it.

Q. Was any thing collected at that subscription?

A. I cannot say, but I think to the contrary. I think they said he had been relieved; and I am bound to speak the truth, and I am bound to tell the whole truth, and therefore I will certainly add this to it, that the application for relief was rejected on account of the violence of his conduct; and I think there was another reason, that he was not considered as a member of the London Corresponding Society.

Q. Was you present at a dinner on the 22d of May at the Crown and Anchor Tavern of the London Constitutional Society?

A. Yes.

Q. Before I go to that, I will just ask you as to an earlier period, concerning a meeting on the 25th of February, 1794. Do you remember being present at a division meeting when any address from Stockport was read?

A. Yes.

Q. Have you that address about you?

A. I don't think I have.

Lord President. What day in the month of February?

A. I cannot say.

Q. Can you ascertain at what end of the month?

A. I cannot.

Mr. Law. Where was it read---at your own division?

A. Yes.

Q. Of what division was you?

A. No. 2.

Q. Look

Q. Look at that paper, and see whether that was the paper that was read at the meeting of February at your division?

A. This paper, I am very sure was read; I need not look any further to the contents, because there are my initials to it.

(*Read by the Clerk of the Court.*)

" Reprinted 1794, dated Stockport, January 5, 1794.

" *The Rights of Swine*.---An Address to the Poor.

' -----Be careful to withhold

' Your talons from the wretched and the bold;

' Tempt not the brave and needy to despair,

' For though your violence should leave them bare

' Of gold and silver, swords and darts remain,

' And will revenge the wrongs which they sustain;

' The plunder'd still have arms. STEP. JUV.

" Hard indeed must be the heart which is unaffected with the present distress experienced by the poor in general in this commercial nation. Thousands of honest and industrious people in Great Britain are literally starving for want of bread; and the cause invariably assigned is a stagnant commerce. My opinion on this subject will perhaps appear to some a strange phenomena---It is that a stagnant commerce is not the real cause of the want of the necessaries of life among the laborious poor. And I am confident, that while the 'earth yields her increase,' there is a method founded on Justice and Reason, to prevent the poor from wanting bread, be the state of trade whatever it may.

" In the first place, then, I will ask, What are the principal sources of human subsistence?---Certainly corn and grass. Corn is moulded into many shapes for the use of man, but chiefly into bread, which is the staff of life; and from grass we derive our flesh, milk, butter, cheese, &c. besides wool and leather, which I think, with the addition of coal, and a few other minerals, nearly make up the real necessaries of life.

" I ask again, then, who is so infatuated to say, that the growing of corn or grass is dependent on, or connected with the prosperity or adversity of trade? Certainly (thank heaven!) they are not affected by the devouring sword or ruined commerce (except at the seat of war). Corn grows not in the loom, nor grass upon the anvil; why is it then that while there is plenty of bread the poor are starving? Is there not as much grain and grass in the land as when the trade flourished? Suppose trade were to rise immediately to an amazing degree, would it make one grain of corn or blade of grass more? Certainly not. Why then, I ask again, are the Poor, who are the peculiar care of Him who delights to do his needy creatures good, not satisfied with the good of the land?

" The following reasons are at least satisfactory to myself:---Because, in the time of national prosperity, house and land rent (consequently provisions) are always raised by the wealthy and

voluptuous, till they are at last at par with high wages ; but when War, or any other cause, has ruined or impeded commerce, and reduced wages, rents and provisions remain unabated. The poor callico-weavers, in the vicinity of Manchester, notoriously illustrate this argument, as they are now (they who can get any) working for fifty and sixty per cent. less wages than at this time two years back, and the necessaries of life are rather augmented in their prices than diminished !

“ Hearken, O ye poor of the land ! While great men have an unbounded power to raise their rents and your provisions, and, at the same time, an uncontrolled power to make War, and consequently to dry up or diminish the sources of your income, your subsistence will, at the best be precarious, and your very existence often miserable !---The present want of bread and butcher’s meat amongst the poor is not owing to the want of grain or grass in the world, nor, I presume in this land, but owing to the price of it being excessively above the price of labour. When, therefore, the price of labour cannot be brought up to the rate of provisions, provisions should be reduced to the rate of labour. Till this is practicable, the poor are miserable !

“ During the last twenty years, mechanical wages have been varied according to circumstances several times, and not unusually, in some branches, twenty, thirty, forty, and even fifty per cent. ---I mean on the lowering, as well as the rising side of the medium. But, with regard to land-rent, its variations have always been progressive : and to find a single instance to the contrary, would be almost, if not altogether, impossible.

“ It requires but little sagacity to see, that the Game Laws, Riot Act, laws against vagrants and felons, &c. &c. are made chiefly for the security of the rich, against the depredations of the poor. But what security have the poor against the oppression and extortion of the rich ? Certainly none at all. As every comfort of life is derived from land, and as the rich are proprietors thereof, it may in some sense be said, that they hold the issues of life and death ; and whilst they can, uninterruptedly, raise their rents without limitation or restraint, they have an alarming and unbounded power over not only the happiness, but even the lives of the great mass of the people---the poor.

“ If, then, Statesmen have a right to advance their lands in times of prosperity, the poor ought to have a Parliament of their own choosing, invested with power to reduce them in days of adversity. This balance of power between the rich and the poor would be productive of a thousand times more consolation to this nation, than the chimerical nonsense of court-jugglers, ‘ the balance of power in Europe.’ Nor can I imagine that any judicious person would call such a power in Parliament unjust or irrational, which, when exercised, could ruin none, but bless millions ! If it would be cruel to make a Statesman of twenty thousand

thousand pounds per annum, live a year or two upon ten thousand pounds, how much more remorseless is it to make the Spitalfields and Norwich weavers, as well as some hundred thousands more, live upon nothing, or, what is little better, upon charity!!! ---Besides, it is a curious truth, that the very superfluities which ruin hundreds of the voluptuous great, would render happy the innumerable unhappy part of mankind.

"Great God! what spectacle so affecting to a reflecting mind as Great Britain in her present state! ---On the one hand, we see the impudent Nobles advertising their 'grand dinners' in the very face of the hungry poor, whom they have ruined!!! ---on the other hand, widows, orphans, and others, are weeping, and often dying, for want of bread! What can be more odious in the sight of Heaven than feast and famine in the same nation? Yet this is literally the case in this kingdom at this moment, and not only in the nation, but in every town, in every street, yea, often under the same roof!

"Open your eyes, O ye poor of the land! In vain are your hands and your mouths open! ---Do you not see how you are cajoled and degraded, by the paltry subscriptions made for you at different times and in various parts of the nation; which serve only to make your slavery more servile and base, and your misery of longer duration? I revere generous subscribers and collectors, but I scorn the means! Ye poor, take a further look into your rights, and you will see, that upon the principles of reason and justice, every peaceable and useful person has a right, yea, a 'divine right,' to be satisfied with the good of the land! Besides, is it not monstrously provoking to be robbed by wholesale, and relieved by retail! Look again, and you will see that public collections, subscriptions, and charities, are nothing more than the appendages of corruption, extortion, and oppression! If the benevolent Father of the universe did not send amongst mankind provisions enough, and more than enough and running over, such is the waste of the great and the gluttonous, that many of you poor would get none at all! Say not, therefore, ye oppressed, 'there is a famine, or scarcity of provisions in this land!' It would be false. The land contains plenty; and if provisions were (as they ought to be) reduced to your wages, you would enjoy your unquestionable right, a comfortable sufficiency.

"But, besides the destruction of your trade, and the means of subsistence, you have the mortification to see your bread eaten by dragoons and hunting horses, spaniels, &c. and your parental, affectionate, loving, provident, and tender guardians, can give you a good reason why---it is their own.

"Hearken! O ye poor of the land! Do you fret and whine at oppression?---'Yes.'---Then as ye do, so did your fathers before you---and if you do no more, your children may whine after you! Awake! Arise! arm yourselves with truth, justice, and reason---

son--lay siege to corruption; and your unity and invincibility shall teach your oppressors terrible things!--Purge the representation of your country---claim, as your unalienable right, universal suffrage, and annual Parliaments. And whenever you have the gratification to choose a representative, let him be from the lower order of men, and he will know how to sympathize with you, and represent you in character.---Then, and not till then, shall you experience universal peace and incessant plenty.

"A Friend to the Poor."

Mr. Law. Grove, I think you say you was present at the Crown and Anchor Tavern on the 2d of May?

A. Yes, I was.

Q. Was you admitted by a ticket?

A. I was.

Q. Who furnished you with that ticket?

A. The preceding evening, between the hours of nine and ten o'clock, Mr. Hardy came to my house and brought me a ticket. I think there was 7s. 6d. marked on it. I put my hand in my pocket to pay him for it, and he said there was nothing to pay for this ticket.

Lord President. Where did he bring it to you?

A. He came to me in Crown Court, Covent Garden. I understood it was a meeting of the Constitutional Society, with a certain number of the Corresponding Society, who were invited to that dinner, and Mr. Hardy brought me a ticket.

Mr. Law. Did you go there as a member of the London Corresponding Society?

A. Yes.

Q. Do you know how many tickets were given out to the members of the London Corresponding Society?

A. If I may presume to guess---

Q. Do you know how many members of the London Corresponding Society were present, who were not also members of the Constitutional Society?

A. I think I may say twenty.

Q. Do you recollect before dinner any news coming of any particular public event?

A. There was some news of some public event.

Q. What was said upon that---was it good or bad news to this country?

A. I understood it to be very bad news.

Q. Now in this Constitutional Society, or among the members of the London Corresponding Society, was there any joy, or what, shewn on the occasion?

A. There seemed to be universal satisfaction, and it appeared to be carried about the room with great eagerness.

Q. Was there any particular song sung, called The Free Constitution?

A. Yes;

A. Yes; it was delivered to me before dinner, in the other room, by a person who delivered them round to all the persons there, as far as they would go.

Q. Did you see any papers of any sort that laid on the plates in the room?

A. I recollect there was one on a plate.

Q. Was it of the same sort that was delivered in the other room?

A. I cannot say.

Q. Can you say whether it was the same sort as the song?

A. I don't know.

Q. Who was in the chair at that dinner?

A. I understood Mr. Horne Tooke.

Q. Recollect yourself?

A. I believe it was a Mr. Wharton, and even in that I don't know I am correct, but I think so.

Q. I believe he is a member of parliament?

A. I understand so.

Q. Was Mr. Horne Tooke there?

A. He was.

Q. Do you know Lord Daer?

A. I do, by sight.

Q. Will you name any particular persons you remember who were present?

A. Mr. Horne Tooke, Mr. Wharton, a gentleman who came into court just now of the name of Burchell, Mr. Sharp, whom I have known many years, an engraver, and several members of the Corresponding Society.

Q. Do you know Mr. Frost?

A. Yes; Mr. Frost was there, and sat close to Mr. Horne Tooke.

Q. Were these members or visitors?

A. I cannot say, because I did not belong to the Constitutional Society.

Q. Was Hardy there?

A. Yes, he was.

Q. Do you know if Mr. Thelwall was there?

A. Yes, he was there.

Q. Mr. Richter?

A. Yes, he was there.

Q. Mr. Lovett?

A. Yes, he was there.

Q. Mr. Moore?

A. Yes, he was there.

Q. Mr. Pearce?

A. Yes, he was there.

Q. One Jones?

A. Yes,

A. Yes, he was, and is a member of the London Corresponding Society.

Q. What songs were sung; do you recollect?---Do you know a song by the name of *Ca Ira*?

A. That was not sung, I believe; but the moment the company got into the room, the music struck up *Ca Ira*; and, I think, it played the whole dinner, from beginning to end. It was encored several times.

Q. Do you recollect any other music tunes that were played?

A. The Marfellois March.

Q. Any other tune?

A. The Carmagnol.

Q. Did the company seem pleased with the music---was there any approbation shewn?

A. I never heard such an universal din of approbation in the whole course of my life, for there was nothing but a general scene of clapping. I believe most people's hands smarted, and their ears ached.

Q. Do you recollect any particular toasts after dinner?

A. I do not.

Q. Do you remember any particular address that was made to the company present by Mr. Horne Tooke?

A. I do.

Q. Will you state as well as you can the substance of that address---the words, if you can.

A. Some time after dinner Mr. Horne Tooke got up, and silence was called, and he prefaced his address by an observation, that one in fifty in that room might be considered as a government spy, and to them he particularly wished to address himself. In consequence of that address, I must confess I did attend to what he said. It being an address to spies and informers, I conceived it material.

Q. Now you may tell us what he said, and speak, according to the best of your recollection, what Mr. Horne Tooke delivered in that assembly?

A. He begged the company to take notice that he was not in a state of inebriation, for, having something to say to the company, he had taken care to refrain from his glass; and, for fear of being mistaken in being taken to be in a state of intoxication, he begged every body present to take particular notice what he said. He called the parliament a scoundrel sink of corruption; he called the opposition in parliament a scoundrel sink of opposition; he said there was a junction between these two scoundrel parties, formed for the purpose of destroying the rights and liberties of the country. He began to speak about the hereditary nobility of the country. Speaking of the House of Lords, he asked if that skip-jack Jenkinson could be considered as one of the hereditary nobility of the country; and I think, if my memory

mony is right, he paid the same compliment to the House of Lords as he did to the other house.

Lord President. Don't talk about compliment; confine yourself to facts and expressions, which were actually made use of.

A. He said that there was a junction between the opposition in the House of Lords, the same as in the House of Commons. He said the same, or words to that effect.

Mr. Law. Did he say any thing of the King?

A. He said it was in order either to amuse or abuse, I don't know the word, that poor man the King.

Q. Do you express a doubt whether these words were used, or was it one or the other?

A. It was one or the other.

Lord President. What was in order to amuse?

A. The junction between the two parties.

Mr. Law. Was any thing further said by him?

A. I do not recollect---Yes, I think he said likewise, that the junction of the opposition in parliament, with the aristocratic party in the House of Commons, was meant to abuse and deceive the people of this country.

Q. Did he mention any thing further respecting the King?

A. I cannot say.

Q. Did he say what was the object of his address or measures?

A. I don't recollect.

Q. How was this address of his received?

A. With great applause.

Q. Had there been any song sung to the tune of God save the King?

A. There was.

Q. Do you recollect Mr. Horne Tooke's saying any thing respecting the song that had been sung to that tune?

A. I cannot recollect what it was.

Lord President. Was it the song of God save the King?

A. No; a song to the tune of that.

Mr. Law. What was the song?

A. I don't know.

Q. Do you recollect Mr. Tooke's singing or reciting any lines of that song?

A. If I am right, Mr. Horne Tooke sung that song, or he sung an additional verse which had been forgot.

Q. What did he supply?

A. I don't know the words. I do not recollect.

Q. What was the name of the song?

A. The Free Constitution. Mr. Horne Tooke sung that song.

Q. The song of the Free Constitution was delivered before dinner?

A. Yes;

A. Yes; I cannot say whether the song in the plates was the same or not.

Q. Do you recollect the first line of the song that was sung to the tune of God save the King?

A. I do not.

Cross-examined by Mr. GIBBS.

Q. Pray, Mr. Groves, what are you?

A. I have followed the business of conveyancing two or three and twenty years.

Q. Then you are a lawyer?

A. Yes, if you call that a lawyer.

Q. Is conveyancing the only branch of business that you have followed?

A. As an attorney I never brought an action or defended an action in my life.

Q. Are you an attorney?

A. No.

Q. Are you a solicitor?

A. Not in Chancery.

Q. I don't ask whether you are a solicitor in Chancery, you have been long enough in the law to know the meaning of the word solicitor. Are you a solicitor?

A. Yes.

Q. Where have you been a solicitor?

A. Here.

Q. A solicitor in the Old Bailey, then you never having been a solicitor in Chancery, but an Old Bailey solicitor, did not you know what a solicitor was?

A. If I had the least idea I would have given you a fair and unequivocal answer, but it did not occur to me.

Q. It did not occur to you that you was an Old Bailey solicitor; it was very natural you should forget your profession in the court where you practise?

A. I gave you what I thought an immediate answer. I knew what I was very well, but I don't know the real meaning of the word solicitor as applied to me.

Q. You did not know that I meant to ask you any thing but whether you was a solicitor in Chancery.

A. No.

Q. When was the first time you were at any of these meetings?

A. The 20th of January.

Q. How came you to go there?

A. I was sent there by a gentleman.

Q. By whom?

A. I am asked, my Lord, by whom I was desired to go to the Globe Tavern, in the Strand. If it is a fair question I will answer it directly.

Lord

Lord President. There is no imputation in answering it; you may answer it, if it exposes you to no penalty or difficulty?

A. No, my Lord, it does not; it is only a point of delicacy. I have not the least objection on my own part.

Mr. Law. My Lord, I take it that if you have channels for information, these channels must be protected.

Witness. It was a gentleman high in office under his Majesty, and I was desired by that gentleman to conceal his name.

Lord President. Upon a general principle I think it should not be answered; he has said, which is sufficient for your purpose, that he came there to collect all the information he could, and disclose it.

Mr. Gibbs. I would not press a question in the least further than your Lordship thinks I ought.

Q. Then you was desired by a gentleman high in office to go to this place---how arose that connection with that gentleman high in office?

A. I have had the honour of being personally known to him ten years.

Q. I ask you, what sort of connection you have had with him?

Lord President. That is hardly proper; the history of that connection cannot be disclosed here.

Witness. I would not act dishonourably, and that gentleman, I am sure, would not.

Lord President. You find he went on purpose to give information, that is the whole of the fact. Any thing that would involve in it a thousand material circumstances relative to the state and government of the country, would not be a thing fit to be disclosed.

Witness. It was a gentleman whose confidence I have had the honour of possessing these ten years.

Mr. Gibbs. And he sent you to the Globe Tavern on the 20th of January, 1794?

A. Yes.

Q. You never was originally at any of the meetings except in the character of a spy?

A. I was not, if you call it so.

Q. If you don't like that, take any other name you like, and I will call you by your own name.

Mr. Law. Really, Mr. Gibbs, that is not the way to examine a witness.

Lord President. There should be no name given in the examination; he states what he went for, and in making observations in the evidence, you may give him what name you please. It does not entitle any body to state a name. Recollect, I made an observation before when Mr. Erskine did the same thing.

E

Mr. Gibbs.

Mr. *Gibbs*. I really did not feel that I was going at all out of the way, in calling the witness by a name which he certainly possesses, which I expressed, though a name which he does not like.

Lord *President*. Well, go on.

Mr. *Gibbs*. You went then (not to call you a spy) to these meetings always in the character of a person who had no other reason for going there than picking up what information you could, and carrying it to that employer of yours?

A. Yes, certainly.

Q. There was a great assembly there I think you said?

A. There was.

Q. There was a considerable meeting?

A. Yes.

Q. And annual parliaments and universal suffrage were talked of?

A. What meeting do you speak of?

Q. I mean that meeting, the first you went to---you say there was a considerable meeting there?

A. Yes, so much so that the floor broke down.

Q. There was a deal of conversation there?

A. There was.

Q. Do you recollect any conversation that passed?

A. No, there was universal conversation.

Q. Going there for the purpose of collecting information against individuals, you thought it not material to observe who they were that made those observations; a gentleman who practises as an Old Bailey solicitor, did not think it material to observe who it was between that such conversation passed, but comes here with it in a lump, to give evidence against one of them.

Lord *President*. Mr. *Gibbs*, I am sorry to interrupt you; your questions should not be accompanied with those sort of observations; they are the proper subjects of observation when the defence is made. The business of a cross-examination is to ask a witness to all sorts of facts, and probe him as closely as you can; but you ought not to introduce such a periphrasis as you have just done.

Mr. *Erskine*. From the universal practice of the first criminal court in this country, the Court of King's Bench, where I have had the honour to practise seventeen years, we go as far as this. What I take my learned friend to have meant as a question to the witness is this:---You, Sir, as a practiser at the Old Bailey, must know the necessity, if you go to any place to get evidence, that you must at least be aware of what proper evidence is: how did you know against whom you was to give evidence---how do you account for not having done that?

Mr. *Gibbs*. My end is answered by desiring Mr. *Erskine* to come in. I will pursue any plan your Lordship pleases, but I wished

wished to have the testimony of a gentleman who has practised in the first court in the kingdom that I was not going irregularly; my end is now answered.

Mr. Garrow. It certainly is not the regular mode of examination.

Mr. Erskine. We must go to school again, I suppose. I have now practised at the bar these seventeen years, and I appeal to Mr. Justice Buller, who is now on the bench. I recollect an instance where that learned Judge presided, when my learned friend Mr. Garrow first came to the place; he put a question to a witness, to which I objected. It turned out to be in the course of cross-examination. I recollected myself, and the laugh went round against me.

Mr. Justice Buller. There has been a greater latitude introduced into cross-examination than is proper: it has in some degree been sanctioned by practice; you will recollect the way in which my Lord Chief Justice put it yesterday; you may lead a witness to the subject in cross-examination, but not to go the length of putting words into the witness's mouth, which he is to utter back again.

Mr. Erskine. And I immediately bowed to the admonition received from my Lord Chief Justice.

Lord President. I should be extremely sorry if it should be supposed that I meant to make an observation that seemed to press personally upon either of the Counsel, particularly on the gentleman who is now cross-examining the witness; and more particularly if I were supposed capable of doing it in the absence of the other Counsel. I hope that will never be imagined of me. With regard to the point, I think it is clear that the questions that are put, are not to be loaded with all the observations that arise upon all the previous parts of the case; they tend so to distract the attention of every body, they load us in point of time so much, and that is not the time for observations upon the character and situation of the witnesses, is so apparent, that as a rule of evidence it ought never to be done; but it is certainly true that it does slide into examination, and is very often not taken notice of; and it saves more time frequently to let it pass than to take notice of it. But there is a rule for every thing, to which all those sort of things ought to be brought; and my judgement is, that after you have got the particular facts upon which that sort of observation is founded, the examination ought to proceed to the other facts of the case; and the observations on those former facts ought to make a part of the defence.

Mr. Gibbs. If that mode of examination prevails on one side, it ought to prevail on the other.

Lord President. I will never suffer it to prevail on either side.

Mr. Gibbs. My reason for sending for Mr. Erskine was, because I knew that was the practice; and I am happy to find my-

self supported by his authority. Your Lordship, I hope, does not suppose I sent for Mr. Erskine with any other view than that I have now stated. I confess I feel myself sensibly mortified.

Lord President. I am extremely sorry for it; I never wished to mortify you.

Mr. Gibbs. I think you told me that you are a gentleman that practises at the Old Bailey; do you now practise here?

A. No, not for these six months.

Q. If any business is brought to you, you do it?

A. Certainly I do.

Q. Your reason for not having practised is because no business has been brought to you, I suppose?

A. Yes.

Q. Did you or not think it necessary to attend to the particular persons from whom these conversations proceeded?

A. At that time I was a total stranger almost to every one in the room.

Q. Did you endeavour to distinguish what was said by one from what was said by another?

A. I did not in conversation.

Q. You say the language was universal suffrage and annual parliaments---can you tell me who used that language?

A. I cannot tell, it was generally used among the society.

Q. How many people might there be there?

A. It is impossible to guess; there were as many as the room could contain, and it was a large room: I suppose, if I should say 400, I should speak within bounds.

Q. You don't recollect any particular person?

A. No.

Lord President. Where was this?

A. At the Globe Tavern; we were in two rooms there, the first room broke down, which occasioned us to go up stairs.

Mr. Gibbs. You were at Chalk Farm too?

A. Yes.

Q. There you went under the same employment, and for the same person?

A. Yes.

Q. You seem to have fixed yourself a good deal upon Mr. Thelwall?

A. No, Mr. Thelwall fixed himself upon me.

Q. You would rather have declined it then?

A. No, I don't say that; he and I was standing at the door at Store Street, when there was not above ten people together; and when the paper was stuck up at the door that the meeting would be at Chalk Farm, he said, "Come along."

Q. You have had several conversations with him?

A. Yes.

Q. Did he know your occupation?

A. No,

A. No, I don't believe he did.

Q. He had no previous knowledge of you?

A. No, he had none, nor I of him.

Q. Had you any introduction to him?

A. None.

Q. No common friend, who told each that he might trust the other?

A. No, I don't remember that any such conversation passed between me and any man in the world.

Q. It was voluntary what passed?

A. What passed going to Chalk Farm, which was the first time that I ever spoke to him, was voluntary.

Q. You said, at Chalk Farm there was a clamour that spies were there?

A. Yes.

Q. And Mr. Thelwall was for admitting them all?

A. He was, and desired them to hear; and I believe I can mention something farther, now you have brought it to my recollection.

Q. Any thing you please?

A. He said, it would give the Minister the power of judging of their proceedings and numbers.

Q. I believe you yourself made this cry against spies, did not you; you yourself said you thought there were spies among them?

A. O yes, I did say that; and thought myself very justifiable in so doing.

Q. Yes, yes, that was the scheme that you had learned in your practice. You was the person that suggested it perhaps?

A. I was not; there was a person present I was asked if I knew him, I said I did.

Q. Did you say you knew him to be a spy?

A. I was asked who he was, and I said I thought he was a person employed by government.

Q. Who was he?

A. His name was Walsh.

Q. And you, seeing Mr. Walsh there, you published he was a person employed by government?

A. I believe Mr. Walsh did not wish to conceal it, for, I think, upon his button there was the King and Constitution.

Q. No, I dare say he did not; and so because Mr. Walsh came there with the King and Constitution on his button, you chose to say that he was a spy; was that the reason?

A. No, it was not; for that might have been put on.

Q. Then seeing him there with the King and Constitution on his button, you chose to say he was a spy from the Treasury?

A. No.

Q. Then do tell me the fact?

A. The

A. The fact is this; I was applied to by two or three to know if I knew Mr. Walth? I said, yes; and he was pointed out to me, and I said that was Mr. Walth, and somebody said yes; he has just come from Ireland, where he has been on government business. I was asked if I knew any thing of his being employed by government, and I said I do believe he is.

Q. Did you not say that you believed that he was a spy?

A. No, I did not; but by saying I thought he was employed under government, I meant to say he was a spy.

Q. Then I take it you called this man a spy, because he was employed by government?

A. Why then have it that way.

Q. Then you did say you thought he was a spy?

A. Yes, in that way.

Q. It was after that Mr. Thelwall was for all spies being admitted?

A. Yes, certainly.

Q. This was a very large meeting?

A. Yes, it was large.

Q. Had you no apprehension for the safety of your friend Mr. Walth in that case, saying he was a spy?

A. He was not a friend of mine.

Q. But he was not a man you would have torn to pieces?

A. No, nor any man; I was for admitting all spies too, and to let them remain there unmolested; that was my address.

Q. But I want to know why you pointed out a particular man as a spy?

A. I did not point him out; I was applied to, to know if I knew him; and I was taken from one end of the garden to the other to look at him, to know if I knew him.

Q. Did not you say that you thought he was a person employed by government?

A. Yes, I did.

Q. In the same way in which you were yourself?

A. Yes.

Q. What induced you to say this of Mr. Walth?

A. I was desired to point him out.

Q. I want to know how you, there as (what you yourself called) a spy, how came you to point out another person as a spy?

A. Because if I had said otherwise I should have been suspected myself. If I had said that he was not sent by government, I should have been in danger myself, because the fact was too notorious; and if he was here himself he would not deny it.

Q. What number of people were there?

A. I should think between two and three thousand.

Q. There were a great number there out of curiosity?

A. There

A. There were a vast number indeed. As far as I am able to judge, there were not above eight or nine hundred of the London Corresponding Society there.

Q. Now you say, sitting down to eat some bread and cheese, there were some little instruments pulled out---you called them French knives?

A. Yes.

Q. Made in this country, no doubt, and a great many people use them for safety to their hands---And you afterwards went to Mr. Green's, in Orange Street?

A. Yes.

Q. He told you he had sold two or three hundred?

A. Yes.

Q. And he said you must speak very low, for that his wife was a damn'd aristocrat?

A. Yes.

Q. And you are positive to these particular words?

A. Yes, I am; and we both laughed.

Q. What did you laugh at?

A. At a lady's being an aristocrat.

Q. I think you told me you was at this meeting of May the 2d, the dinner at the Crown and Anchor?

A. Yes.

Q. How many people might there be there?

A. I should think there might be in all about four or five hundred.

Q. There you was, in the same room?

A. Certainly.

Q. You say there was some news brought in there?

A. There was, that some of the allied forces had received a severe check.

Q. Was there any newspaper brought in?

A. I cannot recollect, but that was the common conversation of the room.---I must add, that I was very much surprized indeed at the Constitutional Society, I there saw a number of very respectable gentlemen.

Q. Then at this meeting you have been speaking of, there were a number of most respectable gentlemen?

A. Indeed there were.

Q. Then how did you get there?

A. By a ticket the prisoner, Mr. Hardy, brought me.

Q. How many were there---what number might this meeting be composed of?

A. I think near five hundred. I think about four hundred sat down to dinner.

Q. You are not certain who was in the chair?

A. No, but I think, if I may presume to think on the subject, it was Mr. Wharton.

Q. You

Q. You must not think.

A. Then I am not certain, and I will give you the reason: we went into the room, and a little bustle ensued, and whoever was proposed I did not hear; but I did consider Mr. Wharton in the chair, but whether it was Mr. Wharton or Mr. Tooke I cannot tell.

Q. Which ever it was, I suppose, he sat at the head of the table?

A. Yes, he did; there was a row all along, and he sat in the middle.

Q. You say Mr. Horne Tooke made a speech, in which he reflected upon the House of Commons?

A. Yes, he called them a scoundrel sink of corruption.

Q. The House of Commons?

A. Yes.

Q. And spoke of a junction between two parties?

A. Yes; he called them a scoundrel opposition.

Q. I don't ask you to speak the indecent expressions you before gave us, but I think, in speaking respecting hereditary nobility, he spoke also of a particular person?

A. Yes.

Q. I believe he spoke highly of the hereditary nobility of the country?

A. He did, most assuredly.

Q. As contra distinguished from adventurers?

A. Yes; he paid the hereditary nobility of the country every compliment that man could pay them.

Q. I believe he observed likewise, that those hereditary nobility, of whom he spoke so highly, had lost their influence in the state by the introduction of adventurers?

A. I don't know he used the word adventurers of the new nobility.

Q. By the introduction of the new nobility?

A. Yes.

Q. He had been before declaiming against the House of Commons, calling them a sink of corruption?

A. Yes.

Q. Did he not say, likewise, that those new nobility were introduced into the House of Lords by means of those people whose conduct he had been finding fault with in the House of Commons?

A. I think his sense was that; I have no hesitation to say that his sense was the same.

Q. Did he not speak highly of the office of King in the constitution?

A. I am very clear he did; because he began upon this, that the new made peers, although they were of late introduced into the House of Lords, had combined, or were combining, for the purpose of abusing or amusing that poor man, the King.

Q. Did

Q. Did he not mention it as a matter of complaint, that the King had lost his due weight in the constitution, by means of this corruption that he spoke of before?

A. I understood him so completely. I wish to do Mr. Tooke justice: I don't know one word that he said disrespectful to majesty.

Q. Did he hold out any thing as matter of complaint in the now existing constitution, except that there were a sort of people introduced into the House of Commons whom he disapproved of, and by their means also into the House of Peers, and thereby was restrained the due power of the Crown?

A. Yes; I believe that was the object of all his conversation.

JOHN GURNELL *called in again.*

Q. Where did you find that paper? (*a paper shewn him.*)

A. In Mr. Hardy's house, when he was apprehended, the 12th of May.

(*Read by the Clerk of the Court.*)

" A S O N G,

" Addressed to Mr. Hardy, Piccadilly.---Tune, *Vicar of Bray.*

" Why vainly do we waste our prime

" Repeating our oppressions?

" Come, rouse to arms, 'tis now the time

" To punish past transgressions.

" 'Tis said that Kings can do no wrong;

" Their murderous deeds deny it:

" And since from us their power has sprung

" We have the right to try it.

" Each patriot Briton's song must be,

" O give me death or liberty.

" The starving wretch who steals for bread

" But seldom meets compassion;

" And shall a Crown preserve the head

" Of one who robs a nation?

" Such partial laws we all despise,

" See Gallia's bright example;

" The godlike scene before our eyes,

" We'll every tyrant trample.

" Each patriot Briton's song will be,

" O give me death or liberty.

" Proud Bishops then we will translate

" Among priestcraft's martyrs;

" The guillotine on Peers shall wait,

" And Knights we'll hang in garters.

" These despots long have trod us down,

" And Judges are their engines;

" Such wretched minions of the Crown,

" Demand the people's vengeance.

" Each patriot Briton's song will be,

" O give us death or liberty.

" Our Juries are a venal pack,
 " See Justice topsy-turvy;
 " On Freedom's cause they've turn'd a back,
 " Of Englishmen unworthy.
 " Now, once for all, the work begun,
 " We'll clean the Augean stable;
 " A moment lost we are undone,
 " Come, strike whilst we are able.
 " Each patriot Briton's song shall be,
 " O give me death or liberty.
 " The Golden Age will then revive,
 " Each man will be a brother;
 " In harmony we all shall live,
 " And share this earth together.
 " In Virtue's school enlighten'd youth
 " Will love his fellow-creature;
 " And future years will prove this truth,
 " That man is good by nature.
 " Then let us drink, with three times three,
 " The reign of Peace and Liberty."

Mr. *Erskine*. Your Lordship will observe, this was a song sent to my client by somebody or other in a letter.

JOHN THOMPSON *sworn*.

Mr. *Attorney General*. Did you find any thing, and what, in the possession of a person of the name of Hillier?

A. Yes. (*the witness then produced a pike, the handle about six or seven feet long, and the blade about ten inches.*)

Q. When did you find it?

A. On Monday the 19th of May, 1794.

Lord *President*. This, found the 19th of May, was after Hardy's apprehension.

WILLIAM CAMAGE *called in again*.---*Examined by Mr. ATTORNEY GENERAL.*

Q. You told us yesterday you were at Edinburgh when the Scotch Convention sat?

A. I was there when they were dispersed.

Q. Do you know Maurice Margarot?

A. Yes; I saw him in the Tolbooth, Edinburgh.

Q. Did you ever see any knife in his hand?

A. Yes; I saw one lie upon the table, which he said was his.

Q. Will you describe that knife to the jury?

A. It appeared to be a knife that opened with a spring between the hest and the blade; a knife about nine or ten inches, knife and blade together.

Q. Was it easy or difficult to open or shut?

A. After it was once opened it was difficult to shut. I did not shut it myself.

Cross-

Cross-examined by Mr. ERSKINE.

Q. Are you a Sheffield man?

A. Yes.

Q. Have you never seen a knife of this description before in Sheffield?

A. No.

Q. Was this knife concealed from any body?

A. No, it laid for him to get his dinner with.

Q. How many people might be present?

A. About six or seven in all.

Q. Did it strike you at the time that there was any thing wrong in it?

A. No; I did not apprehend any thing else but that it was a curious knife, and he shewed it to me on the table.

Q. You are a cutler?

A. I am an ink-stand maker.

Q. Was this at the time the convention was held at Edinburgh?

A. No, it was after it was dispersed.

Q. Did you attend at this convention?

A. Yes.

Mr. Attorney General. Did you ever see any of those knives afterwards at Sheffield?

A. No.

GEORGE LYNAM *sworn*.---*Examined by Mr. BOWER.*

Q. Were you at any time a member of the London Corresponding Society?

A. Yes.

Q. At what time did you become a member of the London Corresponding Society?

A. In October, 1792.

Q. Where did you first see any division of the London Corresponding Society?

A. At the sign of the Mansion-house.

Q. Where is that?

A. Opposite the Mansion-house.

Q. Which of the divisions of the London Corresponding Society met at that house?

A. The division No. 12.

Q. When you went first into the room did you receive any paper of any kind?

A. Yes.

Q. What was the paper?

A. The rules of the Corresponding Society, with the society's address.

Lord President. An address of what date? Is it an address to the members, or to the nation, or what?

A. To the public at large.

Lord President. What date has that address?

A. I don't immediately recollect, but if one was handed to me, I can tell; I think it was in March, 1792.

Mr. Bower. Is this one of the papers?

A. This is larger.

Lord President. Has it been read?

A. It has.

Mr. Bower. Upon the receipt of that paper, did you give any information of any kind to the master of the house?

A. Yes; I told him I believed it was a society-----

Q. In consequence of that information was the society adjourned to any other place?

A. Yes, to the Crown, in Newgate Street.

Q. Did you go there?

A. Yes.

Q. Did you become a member of that division that night?

A. I did.

Q. Was Mr. Hardy a member of the same division of the London Corresponding Society?

A. No, he did not belong to that division, but he belonged to the society.

Q. Were you present at any time afterwards at any other division?

A. I was.

Q. Where was it?

A. I must beg leave to look at my minutes; I made them at the time.

Q. Do so, and tell us the next meeting you attended at?

A. The 29th of October, at the sign of the Unicorn, in Covent Garden.

Q. How many persons might be present at that meeting?

A. I cannot say. There was a very large company; the room was full. Seventy or eighty persons were present.

Q. Was the prisoner at the bar one of them?

A. Yes.

Q. In what character did the prisoner appear?

A. As a secretary, I understood.

Q. Who were the delegates at that meeting?

A. Being young, I had not at that time made myself informed with the number of delegates, or who they were.

Lord President. Was this a committee of delegates?

A. This was a division meeting, No. 2.

Mr. Bower. Did Mr. Hardy, while you were there, take any part, or what?---Were any reports made by any body?

A. There was brought forward at that time Tom Paine's Address to the French People, and it was voted to be published, and delivered out to all the divisions.

Q. Was

Q. Was any thing more said or done at that meeting?

A. Yes.

Q. By whom?

A. I don't know that. Thomas Paine's Letter to the People of France already published to be delivered out, and the Rights and Duties of Man should be continued weekly; that the delegates had received letters from the Manchester and Sheffield societies, approving of the London Corresponding Society's address to the French Convention; that two thousand and upwards of the society at the Crown and Anchor approved of it, but would send one of their own, thinking the more addressees sent to the Convention the better.

Q. Who were present besides the prisoner?

A. A great many. The mode in which they do business is this: the delegate of the division attends the committee of delegation, sees what is done, and makes a report to his division what resolutions are brought forward, and if agreed to.

Q. Was there any thing more done at that meeting?

A. That seems all I made a memorandum of.

Q. That is all you recollect, is it?

A. Yes.

Q. When were you at another meeting of this society?

A. The next meeting was at the Crown, in Newgate Street, the 31st of October.

Q. I should have asked, who made that report at the last meeting?

A. I cannot tell.

Q. Where was the next division that you attended?

A. The division No. 23, at the Crown, in Newgate Street.

Q. Who was present at that?

A. Mr. Hardy was not present.

Q. What was done at that society?

A. At that meeting place the Address to the French Convention was reported by the delegates, that was brought forward on the 27th of September, at the Unicorn.

Q. Did any thing more pass there?

A. I have made a remark of nothing more than that.

Q. Then go to the next meeting that you attended?

A. The Rainbow, Fleet Street, the 2d of November.

Q. What division was that?

A. I have not got the number of the division, and I do not immediately recollect.

Lord President. Was it that that you entered in?

A. No, I think to the best of my recollection it was No. 11.

Mr. Bower. Did any thing material pass at that meeting?

A. The delegates reported, that the society at Stockport had wrote to Sheffield of their approbation of the different meetings; the editor of the Sheffield paper wrote to the delegates, that it would

would be a good plan to send London delegates down to teach the farmers politics. A letter from a meeting called at Nottingham. The next report was, that six honorary members were admitted at the Crown and Anchor.

Lord President. Have you got that letter?

Mr. Bower. Have you got the date of that letter?

A. No, I have not. The next report was, that there were six honorary members admitted at the Crown and Anchor.

Lord President. Do you mean at the Constitutional Society?

A. Yes, that is the whole of that night. The next is division No. 12, Crown, Newgate Street.

Mr. Bower. I now purpose to shew to your Lordship, that Mr. Hardy was the delegate of this division.

Lynam. I cannot positively say that; I believe that Mr. Hardy was delegate for No. 2, as well as secretary.

Mr. LAWZUN called in again.

Mr. Bower. Did you find that at Mr. Hardy's house? (*a paper shewn him.*)

A. I did.

Mr. GRANT called in again.

Q. Do you believe that to be the hand writing of Mr. Hardy?

A. I believe it is.

(*Read by the Clerk of the Court.*)

" Division No. 2. delegate T. Hardy, number of members 120, London Corresponding Society, held at the Unicorn, Covent Garden, Monday Oct. 1st, 1792, Resolved, that Thomas Hardy be appointed our delegate to the standing committee of the several divisions, and to continue in office for three months.

(Signed) " ALEXANDER LOURY, Chairman."

Mr. Bower. (*to Lynam*) Whether the person who made the report at that meeting, the 2d of October, was the delegate?

A. Yes. The next meeting was at the Crown, Newgate Street, 14th of November.

Q. What passed at that meeting?

A. I fancy there is nothing material; I have no minute of it.

Q. Then pass it over.

A. I return back again to a meeting November the 12th, division No. 2: read a letter wrote by Mr. Barlow, addressed to the Convention of France; very inflammatory, and very loud plaudits at the reading.

Q. Who made the report that night?

A. The delegate; it is always the delegate's duty to make the report.

Lord President. Was that a letter addressed to the division, or as coming from the committee of delegates?

A. Coming from the committee of delegates; it was Mr. Barlow's address to the Convention of France.

Q. Read

Q. Read what passed on it.

Mr. Bower. We have read the paper before.

Lynam. The next is a report by somebody or other in the meeting, that the London Corresponding Society in number were 6000; that the division No. 14, in Spitalfields, was increasing in such a manner that it would soon have a number equal to all the rest of the divisions: the first meeting of the London Corresponding Society, I was informed there, was at Mr. Robert Boyd's, Exeter Street, Exeter 'Change, and that he had got the first resolutions of the society; I was shewn one dated 2d April, 1792; a letter from Major Johnston, Edinburgh; he does not approve an address to the Convention of France so soon, but was framing a letter to address the public, which would be ready soon.

Q. Where was that letter communicated, at the Unicorn?

A. Yes. The division No. 2, by the delegate, reported the London Corresponding Society's address to the National Convention, was ordered to be published, and sent to the 83 departments. This was the report by the delegate of the address being received and ordered by the National Convention to be printed and sent to the eighty-three departments of France; the society of Sheffield sent up their address to the convention, to the delegates, which they had forwarded. That is the mode of that meeting.

Q. Forwarded to where?

A. To the Convention of France?

Q. That is the whole of your minutes of what passed at that time?

A. Yes, it is. The next meeting was at the Crown, in Newgate Street, division 12, 21st November; it was at this division mentioned, that there was a talk of a Congress to be held in Scotland; the next thing that was done was to read Judge Ashhurst's charge to the Grand Jury; reported that the society at Norwich wanted to know if they meant to come into the Duke of Richmond's plan, or to root out monarchy; they suspected that this arose from some blind expression in a hand-bill, that it was intended to draw them into some unguarded expression, and they declined answering it; reported that the delegates have wrote to the society at Sheffield and at Edinburgh; the next is a branching of a new division, No. 23, from No. 12.

Q. Was that on the 21st of November?

A. It was, and this division took the number 23, and they met at the Ship, in Moorfields, the 27th of November.

Q. Were you a delegate of the new division, or did you continue of the old one?

A. I was chose delegate at this first meeting of the 27th of November.

Q. What is the next time that you have any thing material?

A. It

A. It was recommended to inform the public that we were not levellers, and did not mean a resistance of the laws, and to avoid riot.

Lord President. Were the reasons for that recommendation stated?

A. They were, but I did not make any memorandum of them; but it was on account of the magistrates interfering with their meetings, and some of the publicans had been threatened to have their licenses taken away; and this was a recommendation.

Q. Was it a recommendation reported to you from the committee of delegates?

A. It was a recommendation of the division to be carried by me to the committee of delegates, reporting, that the first characters in Edinburgh belonged to the cause, and that they had formed themselves into a society, calling themselves a Convention of Delegates.

Q. You don't mean a regular report; this was conversation?

A. Conversation, resolved to subscribe to the defence of any prosecuted member.

Mr. Bower. What is the next circumstance that occurred to your observation?

A. The next is a meeting on the 29th of November, at the Sun. I was at a committee of delegates; we changed the house weekly; we were that night at the Sun, in Windmill Street.

Q. Were you present at a meeting of delegates that day?

A. Yes; there were twenty-two delegates met.

Q. Was any proposal made, or any paper brought forward there?

A. I will look it over:---Division No. II, had received twenty visitors from Islington. A society was intended to be formed at Islington. The sub-committee brought forward their answer to the Crown and Anchor: which was referred back to that sub-committee.

Q. What Crown and Anchor declaration did that refer to?

A. A letter from the Constitutional Society which the society of the meeting of delegates must have had, and must have read and answered before I became a delegate. What it was I cannot tell.

Q. When you speak of the Crown and Anchor you mean the Constitutional Society, at the Crown and Anchor, in the Strand?

A. Yes. There was an answer presented by Counsellor Vaughan, a visitor from the Constitutional Society, which was read and approved with some alteration.

Q. What alteration?

A. There were some parts objected to; one alteration was "dying in the cause."

Lord President. Was Counsellor Vaughan present?

A. Yes.

Mr. Bower. How did it stand originally; were those words struck out, "dying in the cause," or added?

A. That was struck out; but, however, there was something said in justification of those words by something that passed in Cromwell's time, what that was I don't know, about a brewer being made a colonel. It was agreed that this shall be put in the Sunday's paper, if possible, and 500 large bills printed, and stuck up about the town, that we were not levellers, and one to be sent to every division. Mr. Vaughan most strongly recommended good order and peaceable conduct.

Q. You say, you don't know to what this draft was an answer?

A. No, I cannot say that.

Q. Do you know what society that came back from?

A. The Constitutional Society.

Q. What date is that address so approved?

A. In November 1792. It was approved of for this night, and it was agreed that 500 large bills should be printed; and Mr. Vaughan most strongly recommended good order and peaceable conduct; if our funds were low, the Constitutional Society would print for us.

Q. Who said that?

A. Mr. Vaughan; it was then reported that many enemies endeavoured to get into the society; and at this meeting it had been reported that five divisions had been scouted, that is, driven from the place where they met. Mr. Margarot made a motion to write to Mr. Pitt and the Attorney General, that if our meetings were illegal, he would surrender himself; this was over-ruled, and it was agreed to support all prosecuted members, and recommend it to all the divisions.

Q. You wrote this at the time?

A. I did.

Q. Look now at this paper, and tell me if you received it from the prisoner, Mr. Hardy?

A. Yes.

Q. Who was present at this meeting of the delegates?

A. Mr. Hardy was present.

Q. This note you received from the prisoner Mr. Hardy, who came to your next meeting?

A. Yes.

(Read by the Clerk of the Court.)

"Addressed Mr. Lynam, No. 3, Walworth, December 4, 1792. Citizen Lynam, you are requested to meet the Special Committee this evening, at 7 o'clock, at the Nag's Head, Orange Court, Leicester Fields. I am your fellow citizen,

"THOMAS HARDY.

"Please to inform any of the delegates near you that you know, but no one else."

Q. Did you meet in consequence of this note; did you go to the place where that note desired you to go?

A. Yes, but I have no memorandum.

Q. Have you any recollection of what passed?

A. No, I have not.

Q. Where were you next?

A. The 11th of December is the next date I have.

Q. Well, come to that?

A. It was reported that the London Corresponding Society's rules had been introduced among the soldiers.

Q. What was the next?

A. It was held at the Brown Bear, in Moorfields; it was reported that Colonel Dalrymple, at Edinburgh, was determined to have a parliamentary reform; it was there reported that the Irish were scouted as we had been, that they had applied to the council, and found that their meetings were illegal.

Q. Was it explained what council?

A. The King's privy council, I understood to mean; a motion was then made, that if the finances were low that they could not print the address, the divisions are recommended to subscribe to the publication; three members of this division, at that time, declared they would stick them up about the town.

Q. Do you know how much was collected?

A. No.

Q. What address was it they were talking about?

A. I fancy the address to the Constitutional Society, but I cannot say whether it is or not. I have not got it.

Q. Was it the address produced by Mr. Vaughan?

A. I rather think it was; then there is a report that Baxter, who was a delegate No. 16, was at a meeting at Shoreditch church, and that he opposed that meeting, and that he was laid hold of; and in consequence of that, seeing he could not resist, he put his hand in his pocket, took out of his pocket two of the society's addresses, and threw them among the people; he complained he was cruelly used, that he was very ill treated there, and got his coat tore.

Q. What meeting was that?

A. At Shoreditch church.

Q. Do you know what that meeting was for?

A. It was a meeting to support the constitution of the country.

Q. Now, then, come to the meeting of the 13th of December. Was you present at any meeting then?

A. The next meeting was in Round Court, in the Strand, on the 13th of December, a meeting of delegates.

Q. How many delegates were at that meeting?

A. Eighteen.

Q. Was the prisoner, Mr. Hardy, there or not?

A. Yes, he was.

Q. Tell

Q. Tell us what passed there ?

A. It was there reported, that the magistrates were after Mr. Littlejohn, and Field was chose assistant secretary; a motion from the division No. 4, that a letter be wrote to the Common Council of the City of London; Ridgeway to publish Margarot's letter to Mr. Secretary Dundas, and the receipt from the Post-office; that receipt was to be taken in my name, Mr. Field, and Mr. Bell.

Mr. *Erskine*. As evidence that it was put in the Post-office ?

A. Yes.

Mr. *Bower*. What letter are you speaking of ?

A. Mr. Margarot's letter to Mr. Secretary Dundas.

Q. What letter was it you was to carry there ?

A. Mr. Margarot's letter to Mr. Secretary Dundas.

Q. Do you mean a manuscript letter ?

A. Yes; and to take the receipt there to shew that we had carried it there. If Mr. Bell had any objection to have his name in the receipt, the receipt was to be in the name of three of the delegates of the Corresponding Society.

Q. Look at that, and see if that is Mr. Margarot's letter to Mr. Dundas ?

A. This is the letter.

Lord *President*. Where was Mr. Margarot at that time, in Edinburgh ?

A. He was at this meeting. It was done at the request of Margarot, that the society might be satisfied that this letter was sent; and therefore, to be sure it was sent, they determined to put it in the General Post-office, and there was no doubt but it would go safe.

Q. Look at that, is that the letter ?

A. That is the letter.

(*Read by the Clerk of the Court.*)

"Dated London, 4th December, 1792, No. 11, High Street, Mary le Bone; addressed, The Honourable Henry Dundas, Esq. signed, Maurice Margarot."

Q. This was directed to be printed ?

A. Yes.

Q. What was done next ?

A. A motion was then made to recommend the committee to consider the case of all members being prosecuted, to be supported by every division, and a committee was formed for that purpose.

Q. What is the next business ?

A. Division No. 1, recommend that it be represented to the public, that as confusion may be expected if riots should ensue, societies would aid the magistrates, and that copies be sent the magistrates; but take care that we say there is not the least disposition in us of making any riot, and that we will persevere in a parliamentary reform: if a person prosecuted was found not to

have been rash in words, or over violent, a proper person to be protected by this society.

Lord President. What was done upon that ?

A. I don't recollect. It was approved of in the committee, but I don't know that any thing was done by the committee in consequence of it.

Q. Have you any memorandum of its being approved ?

A. It was approved, if it had not I should have made a memorandum at the time.

Q. Was there any direction that copies should be sent to the magistrates ?

A. No, there was not.

The delegate for the division No. 2 desires to bring forward the cards in red print, and to be oval, and each member to give up his old ticket, or to be admitted again anew upon paying up his quarter, allowing no ticket to any one till the quarters were paid up. Received two letters, one from Norwich, signed Cozens, the secretary, saying, there were meetings held there, as well as at other places, to support government ; and they ask in that letter whether we sign or not. It was directed by Mr. Margarot, that this letter should not be taken notice of to any of the divisions.

Q. Sign what ?

A. Sign to the support of government.

Q. Was it resolved that Mr. Margarot's proposition should be communicated to the division ?

A. It was.

Then there was a letter of the 15th from Paisley, saying, they were willing to correspond with us. Twelve societies formed in August for a parliamentary reform. Then there was a letter from Scotland, dated the 15th, from Edinburgh, to call a convention of all Scotland to be of the same opinion ; the title of that society is, The Friends of the People ; Archibald East Hodge, president, William Read, secretary. It was recommended by several delegates to correspond with the Friends of the People at the Free Masons Tavern ; their letter says that they will be glad to correspond with them, as they were upon the same way of parliamentary reform with the Friends of the People : wrote by Mr. Margarot to Mr. Stuart, No. 15, Frith Street, Soho. The next is a division meeting, No. 33, Crown Street, Soho: there was nothing done there.

Q. What is your next ?

A. Twentieth of December, No. 31, Compton Street, a meeting of delegates.

Q. How many attended there ?

A. Eighteen delegates met.

Q. Was the prisoner there ?

A. Yes,

A. Yes, he was.

Q. Tell us what passed at the meeting?

A. Two members of the Constitutional Whigs demanded to know if the London Corresponding Society would address the people. Mr. Baxter recommended to take his case into consideration; he being prosecuted for his resistance of the meeting at Shoreditch church. The division No. 2, recommended to petition parliament before Mr. Grey brought in his bill for a parliamentary reform.

Q. Was Baxter supported?

A. He was not, but his matter was brought on afterward. An enquiry was made whether we correspond with the societies formed at Ipswich and Woodbridge: the answer was, No. Mr. Martin recommended not to publish any thing: the times will not do, he says; you cannot oppose the Treasury. Then Baxter brought forward a motion from his division, No. 16, for the delegates to consult whether they would sign the address at the Crown and Anchor Tavern; and it was left to the discretion of each individual, but it was recommended to avoid signing it if possible.

Q. Do you know what address that was?

A. That was the society at which Mr. Reeves presided; it is called an address from the Crown and Anchor association, for supporting the King and Constitution; and the question was, whether they should sign that, and they were recommended to avoid signing it if possible. A letter sent to Cozens, chairman of the Norwich society, written by Mr. Margarot, that we would not sign it, nor any of the meetings, and desiring him to find out some way of communication: they sent a reply, that they had sent five guineas in order to have Mr. Fox's speech sent down with expedition.

Mr. Erskine. What speech?

A. In the House of Commons.

Q. A speech upon what occasion?

A. Upon a parliamentary reform. They were to publish some hand bills, and shew they are not disheartened, and are determined not to sign, but to persevere. Five hundred of Fox's speech, fifty of Mr. Margarot's letter to Mr. Dundas, and fifty of John Bull to Thomas Bull, were sent down. A motion was made by division 16, that each division present the ticket to any soldiers, gratis, who were willing to enter, but to caution them at the same time of their danger. This was not agreed upon.

Q. Was this on the same day?

A. Yes, Mr. Margarot brought a motion from division 24, that the society do publish our determination of our readiness to assist the magistrates; and that we would persevere in a parliamentary reform.

Lord President. Was that agreed to?

A. Yes;

A. Yes; Mr. Margarot to draw it up against the next meeting. The petition of William Carter, who had been employed to stick up bills for us, that he had lost a place of 12s. per week. He says he was confined three days and two nights, but Martin says only one day.

Mr. Bower. You have omitted there something respecting Carter; look back to your minute of the 20th of December?

A. No, I have not.

Q. Then go on?

A. (Reads.) Martin said that it was only one day, that it was the 3d of the month. Mr. Martin was employed for the defence of Carter; there was a subscription then made for that defence; there was a subscription from different divisions; No. 12, a guinea and a half; No. 5, eighteen shillings; No. 11, five shillings. There was an intimation that Ridgeway would print any thing, or every thing, the society would send to him; he mentioned the Duke of Richmond's letter, and said that he would print that or any thing they sent. Mr. Baxter's business was brought forward again here, and Mr. Martin informed him his recognizances were not entered at Hicks's Hall; he was ordered to withdraw his recognizances himself, and then he could not be held to action; but there was never any thing done in that. It was then said, that Mr. Fox had gone as far as could be expected, but don't look upon him to be more honest than others; and think he has been forced to avow himself so strongly in the house, and it is necessary to have a head.

Q. For a head to what?

A. To the plan that was carrying on with a view to the whole.

Mr. Erskine. You have no note of who made the last observation, have you?

A. Mr. Margarot.

Mr. Bower. Tell us, as far as you can, what your observations are, and what they mean?

A. Gale, a printer, belongs to the society, but he denies it; yet he employed Carter to stick up bills in the morning instead of the evening, which was the reason why Carter was taken up. — The next is, 31, Compton Street, 27th December.

Q. Who was present? Was the prisoner present?

A. Yes.

Q. Now tell us what passed?

A. It was then recommended that each delegate should take the opinion of his division upon the propriety of admitting soldiers, and upon what terms.

Jury. Was this a meeting of delegates?

A. Yes. The next meeting is 3d of January, 1793, meeting of the delegates, No. 31, Compton Street; Mr. Margarot chosen president, Mr. Hardy secretary, Mr. Field sub-secretary.

Q. Was

Q. Was any thing done there?

A. It was proposed that each member pay a penny each night; if he introduced a visitor, he should pay the division he attends, and then be discharged. Mr. Durant, a stranger, acquainted us with Thompson's distress.

Q. Who was Thompson?

A. A man that lived in Coventry Street. He was gone to France at that time.

Q. His distress on what occasion?

A. His wife's distress, he having gone away out of the country, being a violent member of this society, and was sought after, that her rent was not paid. It was represented that she had three children, and was in very great distress. Mr. Harvey, an attorney in the Temple, her friend, on the whole collected 12s. for her, and it was recommended to the society, as a body not to assist her, but privately to subscribe. A motion came forward to them to publish a declaration, but objected to by two divisions.

Q. A declaration of what?

A. The declaration said, that power superseded the laws, that they had rather have a constitution without a king, than a king without a constitution; it was said this would be a proper thing if we were reduced to be republicans.

Lord President. Who was to publish that declaration?

A. This was a matter brought forward by some one of the delegates at that meeting, and every thing that was proposed an opinion was to be taken one after the other, and in the course of taking that opinion this time there were two divisions of delegates objected it.

Mr. Bowyer. What was done in it?

A. I don't know any thing was ever done.

Q. Was it according to the course of the business, two divisions objecting it, to put a stop to it?

A. No, only the majority. Mr. Margarot made a report, that we had had no letter for two months, except one that he had received that day, and the seal had been opened, and sealed up again; he stated that the letter expressed a letter, stating, that there were five delegates from the Roman Catholics of Ireland of the same sentiments with us, and it was to be considered if there could be any communication opened with them.

Q. Were the delegates from Ireland then in London?

A. They were.

Q. Was there any thing more?

A. No. The next is a meeting of division 23; January 8th, 33, Crown Street, Moorfields.

Q. Was the prisoner there?

A. No. I have got down here "that the declaration---" which I suppose is the declaration mentioned before.

Q. Well, go on?

A. It

A. It is the opinion of this division, that the declaration should be rejected; agreed, likewise, not to address the King at all.

Q. What should be rejected?

A. The declaration.

Q. Was that a declaration of the principles of the society?

A. I cannot tell. It is a declaration mentioned in the last report. Then it was said Mr. Grey would not bring forward his motion for reform, unless the petitions were presented to parliament from the societies; and they agreed to petition by all means, and not to address them. The next meeting is a meeting of delegates, 10th January, 1793, No. 31, Compton Street; seventeen delegates were present.

Q. Was the prisoner there?

A. Yes, he was. The declaration was ordered to be laid on the table; then agreed upon, that no written papers should come to the meeting of delegates, but by a treasurer, president, or secretary: carried unanimously.

Q. You did tell me that Mr. Hardy was there?

A. Yes; I do not find him absent one night. Mr. Margarot then reported that the country correspondents did not shine.

Q. What did he mean by *shine*?

A. That is, that there were but a very few letters; and he reported that he had sent a letter to the people at the Free Masons Tavern, and received an answer, accepting our correspondence; that a reform in parliament by perseverance would be obtained; that they revered the constitution, and recommending to us to be careful of mixing foreign politics with home politics, and to avoid foreign correspondence, by which means they would prevent the imputation of levellers: signed D. Stuart; to the Friends of the People. It was then remarked, that this society had never brought forward their principles, and they determined not to correspond with them. Mr. Bell, one of the delegates, in consequence of some remarks upon this letter, said, "Our address to the convention of France shews that we mean their laws."

Q. Upon that being said, permit me to ask what was done; was it assented to or dissented from?

A. It was approved by all the meeting.

Q. Do you recollect whether any of the meeting made any observations upon that?

A. Mr. Margarot said, "No doubt;" but there was not any body else that objected to it, it passed with a silent assent of the rest of the delegates.

Q. Did Mr. Margarot say any thing else?

A. At that time they were under a deal of difficulty at being disturbed at their meetings; then it was observed, by one of the delegates, that Mr. Pitt's plan to have 100 members added to the House of Commons would not do, as it would still give them more advantage, and keep from a proper reform. Mr. Gerald then

then said he knew a person of the name of Dolon, that was secretary, and one of the Irish delegates, was gone off to Ireland; he knows his address, and he promises to correspond with us; said the Catholics had succeeded entirely; Mr. Bell said he knew Devereux one of the delegates; and then it was proposed to correspond by post, but that was said to be dangerous, as no letters go through the Post-office. That is the whole of that meeting.

Q. What is your next meeting?

A. The next is the 14th January, at Mr. Hardy's; that Mr. Hardy had sent 50 of our address, and 10 of Kerfaint's speech to the French Convention, to different correspondents in the country.

Q. To whom?

A. To different correspondents in the country.

Q. When you speak of addressees, what do you mean?

A. I mean the laws and rules of the society.

Lord President. This was conversation at Mr. Hardy's?

A. Yes, I called upon him at Mr. Hardy's own house. The next is the committee of delegates, 17th January, No. 31, in Compton Street. It was then reported, that 19 of the divisions were kept up at that time; it was then agreed upon, to debate and consider whether or no the age of 18 or 21 was the most proper age to allow of voting for a member of parliament; and one reason given why 18 was the most proper time, at the age of 18 they were liable to be militia-men. Then there was a committee formed to consider Carter's case, and of his family, and of the money necessary for their support. Division No. 12 recommended to consider of a public meeting to discuss concerning a parliamentary reform, but it was referred back again. The delegate of No. 15 recommended the society's orders or addressees to be given five to each member, for the purpose of delivering them out to the public.

The delegate of the division No. 4 made a motion, that the thanks of the society should be given to the Mayor of Glasgow, to a society at Durham, and a society at Dundee, for uniting with us in our intentions, and that it be recommended to correspond with them. Sixteen delegates present. It was then reported, Carter's sentence, which he had received, six months imprisonment, to pay 100l. and find sureties in 200l. each; a motion was made to appoint a committee to enquire into the manner in which his defence had been conducted by Mr. Martin, and the expence. A motion was then made for all the delegates to meet every Saturday evening for public conversation, paying a penny each night for the room. Agreed to, when Carter's business is done. This public conversation was for the purpose of discussing the politics of the times, and what was passing. The next is January the 17th, a letter from Norwich, that they admired our spirit and conduct very much, that they had wrote to Mr. Grey on the

11th instant, that the friends of the people had proposed a mild reformation, and wish to know if they are friends. The societies are numerous, and, in the country, magistrates prevent their increase; signed Blake. Benjamin Hobhouse had formed a society at Bath agreeable to ours, he had advised us to point out a conveyance; a correspondence proposed, to know how they went on; a letter to be sent by post, and if not answered, to send by Mr. Richards, bookseller, at Bath. It was then recommended to correspond with the society at Norwich, through the means of Bell's society. The next is January 24, at No. 31, Compton Street; two gentlemen came with a petition, which was very well drawn up by Mr. Harvey, of the Temple, saying, that Thompson's house was searched in the dead of the night. Mrs. Thompson relies on our support as promised, and it was then determined that no such promise had ever been made to her; she wanted assistance to go to France. Hardy said he had given her 2l. 16s. on the 5th instant, and that she thanked him. Mr. Martin thought it should be rejected; it was agreed to. Mr. Martin reported that he had an *ex-officio* from the Attorney General, and he might be as much an object of support as she. Upon Mr. Martin's examination he drew up a long brief, and shewed it to Mr. Vaughan, who had no objection to defend it; he afterwards said, being his own writing, he did not like it should appear in court; he applied to Mr. Erskine, but he declined it; Mr. Garrow was applied to, he declined it; Mr. Fielding was applied to, and he declined it also. It was said Grant was the whole cause of Carter's punishment; he had got the manuscript of the bill, and he declined looking for it.

Q. Who said that?

A. Mr. Margarot said so. It was then resolved that Field, the sub-secretary, should apply to him to deliver it up, and if he does not give it up he shall be expelled the society, and then he would be expelled as our honorary visitor at the Crown and Anchor Tavern.

Q. What paper was that?

A. The bill that was stuck up by Carter, and which he was imprisoned for: it was mentioned then that Littlejohn was likewise an honorary member, and he would also be expelled. Mr. Martin then said, he had seen Carter, who said he had got in his pocket that which would do for the delegates; it was then determined he should not receive the guinea per week as formerly, which he was allowed by the society, unless he ask pardon, and the manuscript was given up by Grant. A letter from Norwich to be answered, but it was not read; a letter from Richter, saying, that he dare not attend us, but we might depend upon his being a friend; he carried the address to Mr. Grant; the delegates are to meet next Thursday, No. 8, at the Seven Dials; a delegate of the division No. 5 going to France; he had some copies of

of T. Paine's works; he received a letter from a friend on Tuesday night, 12 o'clock, saying, a hint to the wife, you will all be taken up.

Q. Mr. Hardy was present?

A. Yes. The next is the 31st of January, at a meeting of the delegates; a motion was brought forward by the delegate No. 16, Mr. Baxter, wishing that out of each person's quarterly subscription, 6d. a quarter might be paid only to the division to which he belonged; and the other 7d. that was paid to go towards the expence of their room: that was agreed to that this might be a very proper measure in all poor divisions; and it was remarked and assented to by the whole meeting of delegates, that supposing there should be an opposition, that if the two parties were to come to an open rupture, that it was absolutely necessary to give encouragement to the two divisions, No. 16 and 25, meeting at Spital-fields; that they were very numerous, and it was very necessary to keep them together. There was a good deal of conversation. I have not got that in a memorandum, it is from my recollection that I speak this; it was agreed upon by all the delegates that met at this time, but it was first called for by Mr. Baxter.

Q. How much have you of that in your minutes?

A. I have got no further than "it was agreed by the delegates that this might be very proper in poor divisions:" the other is from recollection, which I remember very well. The reason was, because in that very division they increased so fast, that very shortly they would have as many in that division as there were in all the other divisions besides.

Q. You call this division you are now speaking of, one of your rich divisions?

A. No, this is the meeting of the delegates. A motion was made by the delegate of No. 7, to publish a letter written by a Mr. Law to Mr. Reeves, giving his reasons for withdrawing himself from them, to shew the infamy of their proceedings; but this motion was rejected, and instead of it, it was determined to print the Book of War, or who pays the Reckoning; referred the extracts for one week. Our letters to the Friends of the People were directed to Mr. Payne, chairman of the committee; they have directed their secretary to write to us, advising us to keep from foreign politics, keep good order, and by petitions we may succeed.

Q. Is that another letter, or the same you spoke of before?

A. This is only giving an account to whom they are directed when they correspond with the Friends of the People and here there is an answer which desires us to keep from all foreign politics, and avoid foreign correspondence; this was answered by Maurice Margarot, saying, we mean to proceed orderly, but you are not explicit.

Q. Did Mr. Margarot say any thing, or make any observation to the committee of delegates?

A. Yes.

Lord President. Does your minutes mention that that reply was brought in to that committee?

A. This is the heads of the reply.

Q. Was that reply produced upon that day?

A. I cannot be confident of that.

Mr. Erskine. Do you mean that it was answered in writing?

A. It was. There were several letters written by Mr. Margarot without being shewn to the delegates, which he told only the contents; but after having done it, he reported that he had wrote such letter, and that he requested they would be more particular; your concurrence will assist us, but we want to know how far you mean to go in the design; but, we apprehend, creating a breach with us; as that was the case with them and the Constitutional Society. There was a great deal of conversation in consequence of that; the society of the Friends of the People did not go so far in their design as the London Corresponding and Constitutional Societies did, for all along it was held that eventually it must come to a struggle. I speak that from recollection, hearing it often repeated.

Mr. Bower. Do you recollect Mr. Margarot saying any thing after this reply: was any thing further done?

A. Mr. Margarot stated, that there was a difference between the Constitutional Society and the Friends of the People. There were thirteen delegates met that night. A letter from Sheffield stating, that they had formed a constitutional meeting, and all agreed upon the same thing; asked how far we meant to proceed this time; a reform is nugatory, that they conceived that nothing will answer the end unless universal right is established; they advise a general petition to the House of Commons upon the present inadequate representation; they want to know if the Friends of the People are true friends; Mr. Margarot says, we are going on too fast again.

Q. Was that an observation he made to the delegates?

A. Yes; at the same time observing, that petitioning was not the true mode; and at the same time, to keep the public mind agitated with a reform, it was necessary that petitions should be presented: it was then recommended, that all the divisions should go to No. 52, Frith Street, and sign the address of the Friends of the Liberty of the Press; that is, every delegate was to recommend it to his division in the course of the week. Mr. Margarot made a remark, that our address to Mr. Reeves was not liable to any punishment, or he and Mr. Hardy would have been taken up. Mr. Margarot said, he meant to invite Sir Sampson Wright to his division, or any one he might send to it; that was to shew the legality of it. The next that I have is only a report

at

at the division, by members, of different matters, on the 5th of February, in Crown Street.

Lord President. Did you attend no longer as a delegate?

A. Yes; this is a meeting of the division No. 23. Bambridge read a minute that 60 friends had declined the cause of meeting with the society, that they are good friends, and do supply with money: that there are certain religious societies in the kingdom, almost in every town, whose sentiments lead strictly to republicanism; they are numerous in Birmingham, Leeds, Bristol, Liverpool, Manchester, Hull, Derbyshire, and particularly in London: the society in London are beginning just now to organize themselves agreeable to the principles of France; their meetings are Mondays and Thursdays; and it was then said, Augustus Frederick Nordenskiöld published Tom Paine's works in Sweden.

The next meeting is on the 7th of February, a committee of delegates, No. 8, Queen Street, Seven Dials.

Mr. Bower. There the prisoner was personally, I suppose?

A. Yes. At this meeting it was moved, that the surplus of the quarterage, if any, should go towards paying the deficiency of Mr. Baxter's division, No. 16, towards their room. Divisions No. 25 and 16 being poor, we must preserve them, they will be of great service if we go to war. This from M. Margarot.

Q. Are those the Spitalfields divisions?

A. They are.

Lord President. What was it you said about Margarot?

A. That was the observation he made at the time.

Q. Was the expression war?

A. Yes.

Q. Was any explanation given of that expression: I don't ask how you understood it, but whether any body particularly explained what was meant by war at that time?

A. That the country would rise against the present government.

Q. Who said so?

A. Mr. Margarot.

Q. Did he make use of those words, or did he make use of the word war, or did you understand that he meant that by it?

A. He made use of the word war, and it was particularly expected that there certainly would be a rising in the country.

Q. Was there any conversation of that kind that night?

A. It was spoken of particularly that night by several of the delegates.

Mr. Erskine. Have you any note of it?

A. No; but I remember it perfectly.

A letter sent to Bath; fourteen days, no answer; no letters received this week. The Sheffield letter of the 16th of January,

1793, by order of the Society of Constitutional Information conveyed to all the societies, requesting to know how far they mean to go, whether they were of one opinion to petition parliament, for a parliamentary reform; the restoration of the right of election not to be under 21; by doing this we shall know how far we can support Mr. Grey's motion this session: it would give strength to the cause; no time to be lost. Mr. Hardy proposes a delegate from each division of the society, to agree how to proceed. Mr. Fox has said in the House of Commons, that the people have a right to alter the government whenever they please; the Scotch Convention have done it, and the Irish. The London Corresponding Society was first formed to send a delegate to all the other societies to determine the best way of reform.

Lord President. Who makes Mr. Fox say that?

A. I do not recollect.

Q. You gave it me before that Mr. Hardy had said it?

A. No; Mr. Fox's observation is made by somebody else, I do not know who.

Mr. Bower. What means, "first formed;" is it descriptive of the intention of the society when first formed, or what?

A. It is an observation of one of the delegates, saying what their first principles were. It was reported, that the Friends of the People in the Borough still exist, and require their intentions. It is agreed, that a circular letter should be sent to all the societies in London, to meet two or three times each, and come to some determination; the question to be debated at each division, What is the best way of proceeding? This is to be done by advertisement, in Saturday's, Sunday's, and Monday's papers, that it would be discussed next night at each division; that there should be six advertisements. Fifteen delegates met. It was then determined to write to Sheffield, and inform them that we will answer them very shortly how we mean to proceed. That is the whole of that meeting.

Mr. Justice Grose. How many delegates were there that day?

A. Fifteen. The next is the 14th of February, 1793, a meeting of delegates. The division No. 12, held at Mr. Godfrey's, an attorney, in Fore Street, chose him their delegate, but we reject him, being Lord George Gordon's attorney, and they said his name was bad.

Mr. Bower. Why did they reject him on that account?

A. They were determined to have nothing at all to do with any person that had any connection with Lord George Gordon. It was intimated, that Lord George Gordon was by some means acquainted with what was going on, and he made use of this Godfrey; and it was conceived he would be a very troublesome person; and that if the name of Lord George Gordon was in the list of members, it would make them disrespectful in the eyes of the

the public; they then rejected him, and resolved to have nothing to do with any body concerned with him. Division 12 to meet on Tuesday evening at the Crown, in Newgate Street, and if they could not meet there, they might go to Robins's Coffee-house, who took in any of the divisions. It was agreed next meeting to petition parliament, it will engage the public attention for the present.

Q. Did you hear whether there was any delegate chosen for that purpose, or not?

A. It was agreed to consider that the next meeting; this was a delegate meeting.

Q. Who was Godfrey rejected by; by the delegates, or his own division?

A. By the delegates.

Lord President. What is your minute as to petitioning?

A. Determined next meeting to petition parliament, it will divert the public attention for the present. It was agreed to demand a conference of the Constitutional Society; they are drawing up the state of the representation; they are going as far as us; the Friends of the People don't go so far, the society in the Borough don't go so far, the Holborn society say they are for republicanism.

Q. What is become of that Holborn society?

A. It is broke up, and the greatest part of the members joined the Corresponding Society afterwards. Aldgate Society is now called the Botheram Society; that society has since broke up. There are six societies in London to confer with; the Friends of the People have not yet answered our letter.---A letter sent to the Constitutional Whigs at Sheffield, saying we are about a general conference, and shall write to them. There are two societies at Norwich united have wrote to us. The Constitutional Society assure them we are firm, and mean to collect the general opinion. There are three questions for consideration, a petition for the King or Parliament, or to call a Convention.

Q. Is that contained in the letter from Norwich?

A. This was a question to the meeting of delegates, to be submitted by each delegate to each division, to consider what they should do at that time. First, there are three questions, whether you petition the King, whether you petition the Parliament, or whether you call a Convention: it was remarked, that it would be well to decline coming to any resolution till the whole nation are agreed. Then Mr. Margarot says, neither petition nor remonstrate, it would be unconstitutional: that finishes his observation. Then it is reported, that the Aldgate Society thank Mr. Fox for his speech, saying, that the people might alter their constitution without giving their reasons for it. That is the society that was brought forward again, and called the Botheram Society.

The

The next is the division meeting No. 23, at Crown Street, the 19th of February. Upon the question, Which was the right age for election, 18 or 21? there was a great difference of opinion in the meeting; one was for 18 years, ten for 21, and one for neither, unless housekeepers. Our copies of the petition to parliament to be distributed among the public; that means, that they had come to a determination to petition parliament, not the King, nor to call a convention. Field met in division No. 12, at the Crown, in Newgate Street, but they were refused meeting; they then went to Godfrey's, and re-chose him a delegate; he insisted upon his right to be their delegate. This last matter was a delegate meeting, 21st February, No. 31, Compton Street. We had no other way of getting rid of them but by adjournment, which was to No. 57, Charles Street, to meet on Saturday evening; reported, that a great number of delegates were in town from Scotland, upon a reform in parliament. A letter from Southampton, approving of our plan, and want our addressees to form a society, and wanted us to correspond with them. A letter was sent to them by division No. 28; the Constitutional Society do adjourn to the 15th of March, supposed to see what Mr. Grey does in parliament. Agreed to write to all the societies both in town and country, to send a petition to parliament; no time to be lost; ours to be drawn up immediately, and we are certain that 20,000 will sign it; if they are all rejected, write to them to continue it, and then it will be time for all to unite and petition the King. Reported likewise, the Friends of the People approved of Mr. Grey's remonstrance; it is a leading feature. Reported, that the serious stoppages of the banks refusing to discount, would assist the cause by creating insolvency; upon that, failures must accordingly follow. One of the delegates reported it.---A letter was read from E. Farley, Esq. saying, that he had been five years writing a treatise on the illegality of imprisonment for debt; it was said, that we could not give him the support he would wish, but, however, extracts might be made from that book so as to be serviceable. A letter from the Friends of the People, dated the 15th of February, in answer to ours of the 1st of February, signed Jer. Carter, chairman, saying, very soon their plan would come forward to reform all the abuses existing. Mr. Reeves's society is unconstitutional; their object is to create an organ which should speak to the legislature; they will not give up their power of action to any society; they say, that their time of action may not be very far distant: this is the beginning of the letter from the Friends of the People; I rather think it is from some country correspondent, it is signed Jeremiah Carter, chairman.

Q. How is it introduced in your minute?

A. A letter was brought and read, signed by Jeremiah Carter, very soon their plan, &c. date 15th of January.

Mr.

Mr. Bower. It should be Curtis instead of Carter, we have read the letter?

Q. Did you hear the letter read?

A. Yes. Answered the Norwich society, that we think the Friends of the People are friends to the cause. Twelve delegates met, to write to the Bath society. A motion to be debated at each division, if they gave the delegates power to reject any delegate on good reasons.

The next meeting is February the 28th, committee of delegates, at Mr. Stiff's, 58, Paternoster-row.—

Motion by Mr. Margarot, That the thanks of the London Corresponding Society be given to Mr. Fox, and the minority of 44, the same to Lord Lauderdale, &c. for their opposition to the war.—Agreed to be advertised in the Morning Chronicle, Morning Post, and Ayre's Sunday paper. It was observed, that the war of the Minister was for the purpose of diverting the minds of the people. A letter from Sheffield enclosing their resolutions, passed on the 13th of February, by order of the committee.—Resolved, by the Society for Constitutional Information, at Sheffield, that war is the greatest evil ever introduced to trade—that they return their thanks to Mr. Fox for the support of the people for many years past, but particularly this session; to Mr. Erskine, for his defence of the liberty of the press, Mr. Grey, Mr. Sheridan, Lord Stanhope, Lord Lauderdale, &c. &c. copies to be sent to each, and published in all the papers in town and country. Agreed to write to Sheffield, that the petition to parliament will not succeed yet at this time, that it will not answer a good purpose, and the London Corresponding Society are going to petition, and to write to all the societies in the kingdom to do so, it will cause the subject to be agitated every week; that there was no time to be lost; and saying, that we equally lament the war.

Q. Was there any thing done, any letter prepared in consequence?

A. The London Corresponding Society have drawn a petition, which was presented by Mr. Gerald, who said, he had applied to Mr. Mackintosh, who said he would go with him to Mr. Fox to present it.

Q. Were any letters prepared on this subject of petitioning?

A. Mr. Margarot wrote this letter, or the substance of it.

Mr. Bower. It is printed in Appendix, page 67, of the Reports; it has been read.

Q. What is your next?

A. March 7th, committee of delegates, Frith-street.

Q. Was Mr. Hardy there?

A. Yes, Read the petition to parliament, and that it be referred to the divisions. The discussion of that took up the whole of the evening.

Q. Go on to the 14th of March, was there a meeting of delegates in Compton-street that day?

A. There was. That new delegates shall be chosen on the 28th of March. The delegate of division No. I. moved, that the pamphlet on the war, wrote by Mr. Frend, of Cambridge, and published in the Manchester paper, should be reprinted, and sent to all the divisions. Mr. Frend of Cambridge is trying, and likely to be excluded the college; the petition to be made out upon rolls of parchment, and each delegate to have one to try what coffee-house would take it in, to lay to receive signatures.

The next meeting is March the 21st, 31, Compton-street. Baxter reported, that there had been constables at 15th division to disperse them, but they durst not go up to the meeting, it being so large; but told them, as you meet to overturn the constitution, you are informed that warrants will be taken out against every member. A letter, March the 15th, from the Birmingham Society for Constitutional Information, signed John Harrison, beginning citizen Hardy.

Mr. *Erskine*. Are those letters in existence any where?

Mr. *Attorney General*. They have been read.

Mr. *Bower*. Go on.

A. It begins Citizen Hardy, requesting to correspond, to strengthen the love of the human race, and to restore the representation of the people.

This letter was not addressed to Piccadilly, but to the house Mr. Hardy lived in before he went there.—Reported, That the Friends of the People had received two letters, directed to Mr. Stuart. Grant and Littlejohn were discharged from the London Corresponding Society; they write to the Constitutional Society, and ask for other honorary members to represent them.

Q. What was Mr. Grant charged with?

A. Grant was discharged for withholding the manuscript formerly mentioned, and Littlejohn, for the neglect of his division, for he was gone off to Scotland.

Lord *President*. Where were those two letters from?

A. I take it for granted from Sheffield.

Q. But you have not it down?

A. No. In consequence of a former resolution, a motion was made to print a thousand of Mr. Frend's address to republicans and anti-republicans, to make extracts and strong remarks thereon, by Mr. Margarot, and a committee was appointed. There were six to meet in that committee in Paternoster-row, in Stiff's house.

Mr. *Bower*. The 28th of March, I believe, you will find the next meeting.

A. The 28th of March, 31, Compton-street, at a meeting of delegates it was agreed to bring all quarterages next Thursday. The Patriotic Society in Holborn, joining division 39.

Lord

Lord Chief Baron. Was this the same society that you mentioned before?

A. The same. And the report of the numbers of signatures to the petition was 718, and five skins not yet brought in. A select committee chose to make new laws for the society, and submit them to each division, the committee to meet every Thursday afternoon at five o'clock; any three to proceed to business, the other delegates allowed to visit.

Lord President. Have you any minute of any debate upon that subject, of the necessity or occasion of proposing this committee?

A. I have no minute of it.

Mr. Bower. Go on to the 4th of April.

A. Here is the remark made here, the committee to make extracts from Mr. Friend's address; that they were to meet on Sunday evening. The 4th of April, 14 delegates met. The next is at No. 31, Compton-street. The select committee were to consider of their future regulations; first of all for the society at large, the general rules and private regulations for the admission of members; a week's payment; a vote of exclusion; the number of constituents before you branch off. The next is the constitution of general principles; committee laws relative to itself; also private regulations and general rules for the election of delegates; laws relating to the society, chairman, delegate, and door-keeper.

Mr. Bower. It is not worth giving this. Go to your next.

At the meeting of the 11th of April, No. 31, in Compton-street, the report was that 2000 had signed the petition:

"Resolved,

"To thank the Friends of the People for their impartial state of the representation. It was then said, that the Constitutional Society had done it, and had requested them to do it, and in their letter they say, that the ignorance of the people was the cause of the corruption of the senate.

"Resolved,

"To write immediately to every society again, and request them to a petition directly; small bills to be stuck up in the night, informing the public where the petition lies for signature. Fourteen delegates met, and moved, that Mr. Francis be requested to present the petition. Recommended by division 2, to advertise a general meeting at some tavern, and may get a good many signatures to it. Already signed 2519."

2. I believe you may go through all the reports of the persons who had signed the petition to the 29th of April. I don't see any thing in them of the least consequence; please to go to the anniversary dinner of the Constitutional Society at the Crown and Anchor Tavern.

A. (Reads from minutes), " 29th April, Crown and Anchor Tavern.

Q. Were you present at that dinner?

A. I was.

Q. Did you make a minute of what passed there?

A. I made this minute, that many of them talked very boldly, and laughed at the fears of the public, and are sure a revolution will take place in this country.

Q. Who was in the chair?

A. Lord Sempill, chairman.

Q. Go on with your minute.

A. The next thing I have got are the sentiments and toasts. The Rights of Man.—May we never be ashamed to assert those principles we wish to enjoy.—May despotism be trampled under the hoofs of the swinish multitude.—Freedom to France, and liberty to all Europe.—Thomas Paine.

Q. Have you any remark upon that?

A. I have a remark, that Mr. Horne Tooke caused him to be given a second time.—May the temple of freedom have the earth for its basis and heaven for its dome.—May the world be our country.—May government soon cease to be a conspiracy of the few against the rights of the many.—John Horne Tooke, for his original opposition to despotism.—The victims of despotism, and may the people of Great-Britain have courage to redress them.—Lord Sempill.—Mr. Fitzgerald, &c.—that is all I have got here.

The next is the 2d of May, 1793. Mr. Fox wrote to Mr. Hardy at nine o'clock at night, saying, that by our saying a radical reform in parliament was generally understood universal suffrage, which he was not a friend to, but would present the petition if they desired it; in consequence it was determined to get Mr. Francis to present it, and to get a friend to write to him the next morning.

The petition to be presented on Monday, unless Mr. Grey puts off his motion.

Two of the Sheffield delegates, who brought up their petition, made honorary members, and agreed to meet Monday evening, and bring in all the skins.

Lord President. Did you say there would be a new election of delegates the 28th of March?

A. Yes.

Q. And was there a new election?

A. Yes.

Q. And was you re-elected?

A. Yes.

Mr. Bower. Have you any minute of the 16th of May?

A. No. I have mislaid that by some means or other.

Q. Do

Q. Do you remember any thing passing on the 16th of May, when Hardy was there, respecting the war, or address?

A. No.

Q. (*To Lauzun.*) Did you find that among Mr. Hardy's papers?

A. Yes.

(*The Clerk reads.*)

" Dated South-street, 2d May, 1793, signed Charles James Fox :

" Sir,

" I am to apologize to you for not having sooner answered your letter; but I have been very much engaged in business for some days past. I certainly will present the petition if it is desired, because I will not decline presenting a petition for any of my constituents; but I profess I think it would be better to be presented by some other member, because it is generally understood that the radical reform which it recommends is universal representation, to which I have always been an avowed enemy.

" I am, Sir,

" Your most obedient and most

" Humble Servant,

" C. J. FOX."

Witness. I have got the paper of the 16th of May, a meeting of delegates, Compton-street.

The Norwich letter (*The witness hesitated, not being able distinctly to read his notes.*)

Mr. Bower. If they are so very indistinct you cannot read them, you had better say so; it is of very little importance.

A. A petition from No. 7, to draw up a remonstrance against the war, the same as division No. 23; it was then said Mr. Hardy had received an anonymous letter, saying, as the late petition lay at your house, I look upon it you are secretary; I am a friend to man and solitary rights; very much approves of the petition; and he submits it in his letter, that if a petition is brought forward against the present war it would succeed, this being a populous one; then with regard to the subscriptions and expences of the society.

Mr. Bower. You had better pass it over, if you cannot make it out.

Lord President. There was nothing done upon that letter, was there?

A. No.

Mr. Bower. Go on to the 23d and read what you can find passed.

A. That is a meeting of the delegates, No. 31, Compton-street. It is proposed to call a general meeting, which would be an irrefragable proof of our being legally assembled, and
would

would take away those reflections upon us, and dissipate the fears of the public. This was to be agitated at each division.

Q. Who made that proposition to call a general meeting?

A. I cannot tell.

Q. There was such a proposal?

A. Yes.

Mr. Bower. What was done upon it?

A. There were 12 delegates met. A letter from R. Littlejohn, dated the 18th May, in which he says, he was surprised at being excluded the society; that he had shewn his attachment to the cause, which he would not give up till death; this is what I collected from that letter. Committee for drawing up an address to the public, &c. and then it follows, that Le Brun's letter to Lord Grenville has altered the step; on that account it would appear as though he had some communication with France, therefore we ought to wait to see if any notice is taken of it; it was thought proper to defer addresses at that time, and it was deferred for a week.

Q. Now, go on to the 30th?

A. On the 30th May I don't find any thing more than Mr. Hardy intending to make a motion that we should break up for three months.

Lord President. What was done upon that?

A. It was not carried; but the society continued, for I have notes of the 6th June.

Mr. Bower. Then go to that.

A. A meeting of the delegates, No. 31, Compton-street, 6th June, 1793.

Q. Tell us what passed there?

A. There were three divisions that wished for Mr. Wharton's motion to be printed.

Q. Was there any thing done with respect to Mr. Wharton's motion?

A. There does not seem any further notice to be taken of it. I have no remark that any thing at all was done, notwithstanding it was so strongly recommended.

Q. Then go on?

A. A public meeting was then talked of, and to advertise five for six o'clock, but not to begin till six o'clock. No dinner.

Lord President. This was on the 6th of June?

A. Yes.

Q. Was this advised or agreed upon?

A. I shall come to that presently; I forgot whether it was determined or not, this is the beginning of it; it was agreed to admit every division.

Mr. Bower. What was the proposition?

A. To advertise a public meeting at four or five, but the intention was to meet and begin upon business at six. A motion from

from a division, number 28, that the thanks of the committee be given to Mr. Wharton for his speech.

Mr. *Erskine*. Mr. Wharton the member of parliament you mean, don't you ?

A. I do ; and it was agreed to be printed, and the thanks to be published in four papers, the *Courier*, the *Chronicle*, the *Gazetteer*, and the *Ledger*.

Q. Was it to be published nakedly ?

A. I have this minute, that it was to be put once in each paper, that is, that it was to be advertised four times ; it was likewise agreed, that there should be some comments made upon it, and a special committee of five to draw it up on Friday, to be an open one, and to meet at six o'clock on Monday.

" A letter from Leeds, a delegate meeting, May 30th, 1793 ; a society lately sprung up, sent, by the request of the Sheffield society, to correspond with all societies, and although 200, were determined to instruct all their neighbours. Thomas Handley, secretary." It was instituted 27th November, 1792.

Q. Have you any minutes of the 13th of June, the 14th, or the 15th ?

A. The 15th of June I have got.

Q. Have you not any of the 13th ?

A. No.

Q. Do you recollect any thing about the 13th from memory ?

A. I do not.

Q. Then go to the 15th.

A. On the 15th of June.

Q. A meeting of the delegates, No. 31, Compton-street ?

A. I believe it was.

Q. Be so good as to state it.

A. Recommended by an advertisement.

Q. Do you know who it was recommended by ?

A. I have not a memorandum of it ; an advertisement for Monday, to give our thanks to Mr. Wharton, for his speech on the 31st of May, to restore the constitution of 1688 ; we earnestly exhort him to persevere in the cause of the people, and doubt not, notwithstanding the contumelious silence of the majority, it will have its due weight with the people ; and said that we would agree that we would give our decided support to every measure brought forward to have their rights restored as in 1688.

L. C. Baron *Macdonald*. Is this a meeting of delegates ?

A. Yes.

Mr. *Bower*. When it is not, I will tell your Lordship.

Witness. " Resolved, that the thanks of the London Corresponding Society be given to the eleven men that voted with Mr. Wharton, 6th June." The Constitutional Society for Information

formation have published 10,000 of Mr. Wharton's speech, correct; Mr. Margarot will get 1000 for us.

Q. Have you any thing further of that meeting?

A. Nothing more.

Q. Was there any division meeting upon this?

A. I don't recollect there was.

Q. Mr. *Erskine*. You mean to say you recollect there was not?

A. My answer is, that if there has been any thing of that kind, I have not made a memorandum of it. I don't recollect there was any thing particular: I remember it was said by Mr. Margarot, with a great deal of pleasure within himself, that he would get a thousand for the London corresponding society.

Mr. *Erskine*. Is that a note?

A. No, I have no minute of that—you asked me for my recollection, and I have now given it you.

Mr. *Bower*. You ceased to be a delegate, I believe, for some period after this time? Was this the last meeting of delegates you attended for some months?

A. I attended on the thirteenth of June.

Mr. *Bower*. This is the 15th, and after that you ceased to be a delegate for some time?

A. It was so.

Q. Were you present after this in the month of September, at any division meeting?

A. Yes.

Q. What time in September?

A. I think it was the 25th September.

Q. Upon the 25th September, did you attend any division meeting, and where?

A. I attended a division, No. 23.

Q. Where did the division meet?

A. I don't recollect the name of the court near Bunhill-row; it was in a place that goes out of Bunhill-row, through Blue-anchor-alley, or some such place.

Q. Tell us what passed there?

A. It was reported that a new society was formed at Coventry, and that they were increased very much in the last month; and it was reported that there was a new division of the London corresponding society, that had taken the number 10, which had ceased prior to this time, and they met at the Grove in Bandy-leg-walk.

Q. Did the delegate report that?

A. Yes, the delegate reported it at the committee of delegates; this is the report from one of the division, of a gentleman who lived at Walworth, and was going to join the London corresponding society; that he wrote the offensive play-

play-bill, the Guillotine ; his name was Cruden ; it was mentioned, among other circumstances in the evening, and it was followed up by a remark from the same person, that many people supposed he was employed by some of the convention of France.

Q. Were any other papers brought forward ?

A. It was reported that there was a petition to the king, brought forward to the last meeting of delegates, but it is declared treasonable by Mr. Vaughan, in consequence of which another was to be drawn up.

Q. When you say it was treasonable, do you mean to say it was Mr. Vaughan's opinion ?

A. It was reported so by several, that Mr. Vaughan had given that as his opinion.

Q. Was any thing done upon that ?

A. No, that is all.

Q. Was it reported by the delegate ? Did he report any thing further than that that petition was supposed to be treasonable ?

A. Only that another was to be drawn up.

Q. Was any thing further done at that meeting ?

A. I have no memorandum of any thing more.

Q. Have you any recollection ?

A. No, I have no recollection.

Q. Go on to the next meeting, 7th October.

A. The report of the delegate was, that there were 18 new members that week elected ; Mr. Bell, who was at Brighton, was going to Ireland, and would introduce correspondents with the societies there, from the London corresponding society ; and then, at a meeting of delegates, a petition was brought forward and discussed, I suppose, against the war ; nothing more was said of that ; Mr. Hodgson was chosen president, and Mr. Hardy continued secretary.

Q. Was there any thing more done at that time ?

A. No ; the next meeting is November 5th.

Q. Before November 5th, were you present at any other meeting in Hackney or any other place ?

A. Yes, I don't recollect the day of the month, but it was at the time when they elected two delegates to send down to the convention in Scotland.

Q. Were two delegates elected ?

A. Yes.

Q. Who were they ?

A. Mr. Margarot and Mr. Gerald.

Q. Who was president at the society at that time ?

A. Mr. Hodgson.

Lord President. Where was this ?

A. At the house in Hackney-road; the election was in the garden behind the house.

Mr. Bower. Was Mr. Hardy at that meeting in Hackney-road?

A. I think he was, but I will not be positive.

Q. Then come to the 5th November, what meeting was you present at, at that time?

A. Division No. 23; and the delegate reported that Mr. Baxter was chosen chairman; he then reported that Mr. Margarot and Gerald went to Scotland the 30th of October, and that the funds were very low, subscription not equal to the expences.

Q. Where was this meeting?

A. In Bunhill-row. The next report was, that a second delegate should be chosen from each division, to form a sub-committee to revise the constitution, and to meet every Friday, No. 31, Compton-street. The next report was, a new society formed at Bristol. The next was, that Colonel Macleod and Mr. Sinclair were gone as delegates to Edinburgh, from the constitutional society. The next meeting is division No. 23, November the 12th.

Q. Before you get to November 12th, I want to know if there were any reports upon the 5th of November, respecting Franklow?

A. I have no memorandum of that.

Q. Do you recollect any thing about it?

A. I recollect hearing it said, that there were going to be associations formed at Lambeth, and that they were about learning their exercise.

Q. Be so good as to remember all you can respecting that.

Mr. Gibbs. You have no memorandum of this?

A. No.

Mr. Bower. What did you hear?

A. I understood they were going to form themselves into different societies; and a plan was forming for them to learn their exercise at different places all over the kingdom, and that it was to be confined to the members of the London corresponding society.

Q. Do you recollect any thing said further about the plan?

A. Not particularly, but afterwards it was more particularly brought forward; but I do not know, to the best of my recollection, any thing more.

Q. The plan was at that time not completed?

A. The forming of that society, and the way in which it was meant to be carried on, was not modelled; but it was said there were a variety of people who intended to learn their exercise; but this at Lambeth was the only one that was mentioned.

Q. There

Q. There was no association formed, but that at Lambeth?

A. No, it came out afterwards, that there were members of the London corresponding society, who had a desire of introducing the exercising of the London society's divisions on different nights.

Q. Was that acceded to?

A. It was rejected at No. 20.

Q. Who was the president of the society at that time, the 5th of November?

A. The report was, that the last committee night, Mr. Hodgson had resigned the chair, and Mr. Baxter was chosen president.

Q. You was going to the 12th of November; were you present at any meeting on that day?

A. It was a division meeting, No. 23.

Q. Where was it?

A. At the same place.

Q. What was done at that meeting?

A. Read a letter from Norwich, from all the societies there, signed William Cole, approving of the convention in Edinburgh, and requesting a constant correspondence. Finances are very low, they want to get a second subscription to support the delegates in Scotland.

Lord President. The finances at Norwich, or yours?

A. From Norwhich I take this to mean, and then there seems to be a kind of instruction in a letter sent to the delegates to visit all the societies in Scotland.

Mr. Bower. Was that the regular ordinary course, in which it was reported in the societies?

A. Yes.

Q. Is this that you are talking of, a part of the letter, or what was done in the society in consequence of it?

A. In consequence of it—That the finances of the London corresponding society were very low, they want to get a second subscription to support the delegates in Scotland: I thought it came from Norwich at first, but upon looking at it again, I think it is rather the report of the delegates from the committee of delegates.

Lord President. Having given that explanation of that, tell us what was meant about the instruction?

A. The instruction was in a letter that has been sent, but by whom, I have got no memorandum here, to the delegates to visit all the societies in Scotland.

Lord President. Do you mean that there was an instruction sent to them in a letter?

A. I do.

Mr. Erskine. Did you see the letter, have you a note of the letter?

A. No, it was reported by the delegates, that there was going to be a second general meeting, to be held at Edinburgh; but it was afterwards altered, and it was intended to have it at Glasgow, instead of Edinburgh. This was the 12th of November.

Mr. Gibbs. There are some notes that you have gone through?

A. Yes.

Q. Those that you have gone through, please to let me look at (*the witness hands them to Mr. Gibbs.*)

Witness. I hope you will be kind enough to give me them again.

Mr. Gibbs. What right have you to insinuate that I would not?

A. I did not mean to insinuate any such thing.

Mr. Bower. When was you re-elected a delegate, if you ever was so?

A. The first time I attended the society of delegates was on the 2d of January, 1794.

Q. Was Mr. Hardy there?

A. Yes, he was secretary.

Q. Now go to the 2d of January, 1794.

A. The first beginning is the election of delegates—I believe I need not call them over; the first resolution was to remove the meeting to No. 3, New Compton-street; then a resolution was passed, that no person but had belonged two months to the society was eligible to be a delegate.

Q. What was done?

A. It was proposed to draw up a hand-bill, to approve of the conduct of the delegates at Edinburgh, censuring the magistrates, and to distribute 1000 in Edinburgh; and they were to be sent down immediately to be dispersed.

Q. How soon?

A. To the best of my recollection, it was the following evening, I think, that they were to be sent off—A letter was read, from Sheffield, signed William Brown Bromhead, chairman, recommending some spirited resolutions to be adopted, to support the delegates immediately; and it likewise says, that at this meeting they were about 2009; I believe that is all that meeting—The next I have is the 9th of January, and which I believe was at No. 3, New Compton-street.

Q. Do you find the prisoner present?

A. I am inclined to think he was there, though I have not his name down.

Q. Then you are not sure whether he was there or not—Tell us what past there?

A. I have the names of a number of delegates and other people,

people, who were to be stewards at a meeting to be held on the 20th, I think.

Q. Let us know what passed at the meeting; if you find any thing to show that he was there, we will take it; if not, we will take it that he was not there?

A. A general meeting to be held at one o'clock, on the 20th instant, at the Globe Tavern, Strand, and then a dinner at five o'clock; a sub-committee was formed for the management of this meeting, the names put down for the stewards of the meeting, John Thelwall;—but the sub-committee that undertook that management of it, from the 9th to the 20th, was Franklow, Thelwall, and Stiff. The stewards were Mr. Thelwall, and John Agar.

Q. Have you them at full length in your minutes?

A. I may be mistaken in the Christian name: I have got down John Agar. Stewart, Kyd, Barrister, John Lovett, H. F. Harrison, and J. Stiff, Bartholowew Peacock, J. Philip Franklow, Thomas Harris, C. Sinclair, J. Powell, W. Williams, Thomas Mitchell, John Pearce, Matthew Moore, William Moffatt, J. Martin, an attorney; William Moffatt was a delegate of the convention at Edinburgh; it was agreed, that the tickets for dinner were to be five shillings: those that dined paid 5s. 6d. and those that did not dine paid 6d. for their tickets—The sub-committee ordered to draw up an address to the public, to shew the sense they had of their invaded rights, by the proceedings of the magistrates at Edinburgh.

Q. Was any thing else to be discussed?

A. It was mentioned at that meeting, that they should discuss the conduct of the Right Honourable Mr. Dundas, concerning the trials of the delegates at Edinburgh.

Q. Who were the sub-committee, for the purpose of drawing up this letter and discussing his conduct?

A. I have not got down the names.

Q. Was it a different sub-committee to that who were to manage the dinner?

A. Yes. The next minute I have, is the 20th of January, at the Globe Tavern.

Q. Have you no further minutes of the business of the 9th of January, you have not yet come to the sub-committee: is that an entry in the minute of the 9th or the 20th?

A. There was a sub-committee to be chosen, but I have not got down the names.

Q. Was any thing agreed upon to be proposed on the 20th of January, about the society in general, by this sub-committee?

A. I have read over what minutes I have.

Q. And you recollect nothing more?

A. I do not.

Q. At

Q At the time you ceased to be a delegate, from Midsummer to Christmas, how came you to cease to be a delegate?

A I ceased to be a delegate in consequence of one of the London corresponding society, making a report some time back, that I was a spy upon the society, and was tried in consequence of it, I think on the 13th of June; I was tried at the committee of delegates.

Q What was the result of the trial?

A I was acquitted by a very great majority.

Q Having been acquitted by a majority, you were elected a delegate before the time you are speaking of?

A I was elected a delegate at a new meeting; the first I attended afterwards was on the 2d of January, 1794.

Mr. *Erskine*. What time was it you was reported as a spy, and tried?

A I think it was the 13th of June.

Mr. *Bower*. Now come to the 20th of January: were you present at the Globe Tavern?

A Yes, at a meeting at the Globe tavern, J. Martin, president.

Q What time did you go to the Globe tavern that day?

A I went to the Globe tavern before the company were assembled, or the business began, but I don't recollect precisely the hour: they were assembled in the room up one pair of stairs, and in the course of their consultation with each other, and talking together, the floor of the room gave way, and created a vast deal of confusion.

Q Of course, in consequence of that, they did not stay in that room; where did they go next?

A To the room above.

Q Were you there any time in the afternoon?

A I was there before the business began, and I was there till the business was finished, and the resolutions at that time were read: I have the report of it here.

Q After the floor of that room had given way, and they had got into the room up stairs, in what situation was the chairman?

A There was a place built for a musician, at one side of the room; that was the place where Mr. Martin, Mr. Ramsey, Mr. Richter, and Mr. Thelwall were.

Q Was the prisoner there?

A Yes, he was; but he did not stand in the front.

Q Who stood in the front?

A Mr. Martin, Mr. Thelwall, Mr. Ramsey, and Mr. Richter; a deal of time was taken up by the report of Mr. Ramsey, short-hand writer, who reported Mr. Margarot's trial, and next was carried the address to the nation.

Q You adjourned into another room to dine—was it a public dinner?

A, There

A. There were a very great number of people there to dinner; to the best of my recollection I was not in the same room, I did not dine with the large company; I was in an adjoining room, with a few of the company who could not get seats: I came into the large room after I had dined.

Q. Was the prisoner in the room that you came into after you had dined?

A. Yes, he was.

Q. Was Mr. Thelwall there?

A. Yes, he was chairman at the dinner, and Mr. Martin was president at the business.

Q. Tell us what past when Hardy and Thelwall was in the room after dinner?

A. The report I have is of the toasts after dinner.

Q. I want to ask if there were any resolutions proposed by Thelwall, and agreed to by the assembly there assembled, with reference to the general objects of the society?

A. I have a memorandum here, that after Mr. Ramsey's report of Mr. Margarot's trial, next was read and carried the address to the nation, which was read and carried at that meeting, though it was drawn prior to that; then follows the dinner and the toasts: there were several people in the course of the conversation whom I did not know; a great number of people had got together, and I made the remark that there was very bold language made use of.

Q. Go to the 23d of January?

A. No. 3, Compton-street, January 23, 1794, a meeting of delegates.

Q. Was the prisoner, Mr. Hardy, there?

A. Yes.

Q. Tell us what passed.

A. He was there recommending hand-bills to be stuck up in every part of London, saying what grievances we wished to have redressed.

Mr. Erskine. Do you mean that there was a resolution made?

A. It was agreed by the delegates. The next thing that came forward was a box for the subscription to support the delegates in Scotland, which was 13l. 3s. 5d. and 9 bad shillings; it was proposed to publish the names of those who had given evidence against the patriots, but was objected to by Mr. Thelwall, as it might produce massacres. It was proposed at that time to choose two sub-delegates to watch the parliament every night, and all to meet every Thursday; but the sub-delegates was not carried.

Q. Which part was carried?

A. A committee was chosen that night, but I have not got the names of them, for the purpose of watching the parliamentary proceedings.

A. That

Q. That part was carried?

A. Yes.

Q. But the sub-delegate part was not carried?

A. No. It was proposed that that committee should be made perpetual, but I have no memorandum whether it was carried or no: that is all I have of that.

Q. Was there any proposal made for printing any thing?

A. It was proposed to print the names of those who had given evidence against the patriots. It was recommended that the hand-bill should be stuck up respecting our grievances.

Q. You don't recollect any thing else?

A. No.

Q. Now go to the 30th: was you present at any delegate meeting upon that day?

A. Yes, at No. 3, New Compton-street.

Q. Was Mr. Hardy there?

A. Yes;—division No. 11, recommended to divide the metropolis into parts, and to request all those who don't belong to us, to subscribe for the delegates: this was referred to the constitutional committee.

Q. I don't understand what is meant by opening the divisions to all parts?

A. To open houses all over London; those who lived at any particular place was to collect all the friends who lived thereabouts, and so all over London.

Q. Was there any number of members agreed upon to compose these several meetings?

A. We always held in idea the regulation we had to form, was that when a division was more than thirty, forty, or sixty, they should branch out and have a new number.

Q. There was no particular number of persons proposed?

A. No: division No. 13 recommended, that as there are many persecuted friends who do not belong to us, that a member be requested to invite others to come forwards and subscribe in support of the delegates.

Q. How much was to be subscribed?

A. As much as they could prevail upon them to subscribe. Division No. 8, Rotherhithe, wished to know if they should be removed into the borough, having had a constable after them, many having lost their business, and being afraid of press-gangs. The next was a call of the house.

Q. You need not read that, go on.

A. A motion was made by Mr. Thelwall, for a permanent committee of delegates to consider of measures to be pursued during the present posture of affairs, and to be a secret one; those of the general committee of delegates chose, to be filled up by other delegates, and they were to be invested with a discretionary power to report to the committee.

Q. What

Q. What committee?

A. The committee of delegates: but the committee of delegates had a power to dissolve them when they pleased.

Q. Is it mentioned of whom the secret committee were to consist?

A. The secret committee, Mr. Martin, Mr. Baxter, Mr. Thelwall, Mr. Williams, and Mr. Moore, and carried unanimously.

Q. Was there any secretary appointed?

A. None.

Q. What was to be the power of this secret committee?

A. The secret committee were to consider of what measures were necessary to be adopted at that time, and so long as they should sit, according to the measures that were adopted in the House of Commons.

Q. And what were they to do? were they themselves to carry any measure into effect?

A. The secret committee was to have a power to call the general committee of delegates together when they saw proper, at any time and at any place: that was agreed to also.

Q. What was the next thing to be done?

A. A sub-committee of three to consider of the best means of raising subscriptions for the delegates in Scotland; this was referred to the secret committee, with full power.

Q. What was the next thing done?

A. There was a letter from Mr. Margarot, but I don't recollect the contents of it; it was proposed by Mr. Thelwall, that a committee of two, as a committee of exigence, should be called to report.

Q. How was that committee to be formed? two from all the societies, or how were they to be formed?

A. I have it down here: the committee of two as a committee of exigence to report to the general committee, but not to publish any thing, but it was withdrawn: A letter, dated 28th Jan. 1794.

“To old friends new revived from the Bristol Constitutional Society,” and that they were encreasing.

Q. Go to the 6th of February; what meeting was that?

A. A meeting of delegates.

Q. Was Mr. Hardy there?

A. Yes, he was: the first thing mentioned there was a letter received from citizen Stiff, of Rotherbithe, about the society established there being disturbed there: then comes a motion from the permanent committee to nominate others in their places, it being a secret committee, and those to be appointed, not to be known; this was a motion brought forward by the

secret committee, saying, that being a committee of secrecy, they found it was dangerous, and they called the general committee to dissolve them, and give them power to choose another committee in their place, and requested that they might not be compelled to name the names of those who were to form the new secret committee.

Q. What else was done there?

A. Division, No. 11, requested the committee to consider the case of Mr. Hodson and his wife: he was put among the felons, and could not see his friends: this was sent back on account of the lowness of our funds: we had been obliged to support the delegates in Scotland. Motion not carried, that the names of those who have subscribed for the weavers be printed and posted. Letter was received in a parcel from Sheffield from Margarot to Mr. Hardy, recommending him to spend all his time in the society. Letter from Mr. Gerald, recommending them to send down a short-hand writer to take down his trial.

Q. Was any thing done upon that letter of Mr. Gerald about finding a short-hand writer?

A. It is mentioned that Mr. Ramfey charged forty pounds for Mr. Margarot's. Mr. Sibly, of Goswell-street, was to be applied to, and if he could not go, Mr. Hardy was to find somebody else.

Q. What passed upon the 20th February?

A. Division 18 moved, to reprint the Rights of Swine, and ordered to be printed by Mr. Pearce; a motion by Pearce that a committee of seven be appointed to revise the new constitution: motion that 5000 of Lord Stanhope's speech upon foreign troops be printed, and return him thanks; and may the doctrines there taught be ingrafted upon our hearts and posterity.

Q. I believe after this time you ceased to be delegate, or shortly afterwards?

A. Yes.

Q. This is the substance you collected while a delegate?

A. Yes.

Q. How come you to be a member of this society?

A. By mere accident.

Q. What is your business?

A. An iron-monger, and in the commission line.

Q. What was the accident by which you became a member?

A. I was at the sign of the Mansion-House, when the division No. 12 had a meeting there. I knew nothing of it, but the landlord had one of the resolutions given to him: I requested

quested the favour to look at it, and I told him I thought it was a society formed to overturn the constitution of this country, and advised him not to let them meet there any more, for he would certainly have his licence taken away if he did. I went up to the society the same evening. I understood any person might have gone into the room, but there was at that time a door-keeper, but I got in, and had some conversation with the chairman, Watson; I asked pardon of the society, and told them, understanding the society was upon a public ground, I would be much obliged to them for one of their resolutions, and I certainly would not interrupt them any further. I would leave them to their own deliberations.

Q. Where did you go to next?

A. The following evening to Newgate-street.

George Lynam, cross-examined by Mr. Erskine.

Q. I have very little to trouble you with, for Mr. Bower has put the questions very kindly to you which I was disposed to put: I thought I heard you say, you was in the commission line: what sort of commission line?

A. Both in Birmingham and Sheffield.

Q. At this moment?

A. Not now.

Q. How long is it since you was in this commission line?

A. I have been in the commission line, and am in it now. I have authority to sell by commission for different persons, but I have no stock at present from any manufacturer.

Q. I should think you have hardly leisure to concern yourself with this sort of transactions?

A. I certainly have, and if I am to tell you how I apply myself to business, I will tell you candidly. I am making application for a business in the East India line, waiting at coffee-houses, and take orders from the different captains and mates, and so on; but I do that business on my own account.

Q. How long is it since you have set yourself on this enquiry?

A. In a small degree I have done it for these seven years.

Q. In taking orders from captains and mates, and so on, in a small degree?

A. Yes, till the last season.

Q. How long is it since you did any business of that sort?

A. The last season.

Q. You was an ironmonger originally?

A. Yes, brought up to it.

Q. Where might your shop be?

A. I first of all had a warehouse in Wood-street, and removed from one house in Wood-street to another, and from thence to Walbrook, where I have been ever since.

Q. Do you keep a shop now?

A. Yes.

Q. Have you always kept your shop open, notwithstanding this collateral business of being in the commission line?

A. I have always kept a warehouse, but not in the retail way since I left the house of Alexander and Co. they were in the retail way.

Q. You were very much alarmed for the safety of the constitution of your country, in reading a paper which the landlord shewed you?

A. Yes.

Q. Should you know it if you saw it?

A. Yes.

Q. It was the resolution and address of the society I believe?

A. Yes.

Lord President. Of what year is it?

A. It was the first large resolutions that were brought out in the month of March 1792.

Mr. Attorney General. I should suspect it was the 2d of May.

A. No, it is the 24th of May, 1792.

Mr. Erskine. I should be much obliged to Mr. Attorney General for a copy of one.

Mr. Attorney General. Certainly.

Mr. Erskine. Is that it? (shewing him one.) You may look at it.

A. I am not afraid of looking at it.

Q. You was alarmed, and immediately said to your landlord, this was a society to bring on the destruction of this constitution, and of course as a good subject, you immediately set yourself to enquire into it, and to become a member; for that purpose it was necessary (I need not ask you, because it follows of course to carry on that plan), that you should seem to think as they did.

A. Yes.

Q. And you was elected a delegate?

A. Yes.

Q. And you continued a delegate till the 13th of June 1793?

A. Yes, as near as I can give you any intelligence.

Q. And then you fell under suspicion, was tried, and acquitted by a majority?

A. Yes.

Q. Pray, sir, if I might so far enquire into the form of your trial, was trial held by evidence, or was you acquitted upon a declaration of your own?

A. I was tried upon evidence of the gentlemen that were brought forward.

Q. Upon

Q. Upon the evidence of people who brought the charge against you?

A. There were four or five gentlemen brought forward to prove to the committee of delegates, that I was not a friend to the society; they underwent a long consideration, and after hearing all they could say, and whence that suspicion arose, I was honourably acquitted. I have the name of my accuser in the course of my minutes, but I did not take any notice of it, not thinking it an object.

Q. And you attended this society regularly?

A. Yes, excepting that time I went down into Yorkshire and Staffordshire on business.

Q. At what time you first communicated to any magistrate, that you was in the course of your enquiry, did you furnish them with any of the notes you have been reading in court?

A. I consulted with a friend, and I should wish the world at large to know my reason for doing it: it was by advice of a gentleman, from whom I have received some friendship; a gentleman who lives at the west end of the town, who desired me by all means to make a report of it, which I did, and have done from time to time.

Q. When was the first of these reports made?

A. I believe the first report I made was in October 1792.

Q. I shall not for the present ask who that person was, but whether the report you made was to a person entrusted with a public station, or invested with magistracy, or was it to a private friend?

A. I don't know how far I may be at liberty to answer that question; I made my reports to a person and a quarter that I was well satisfied a proper knowledge would be had; whether it was by a magistrate or any body else, it makes no difference. I knew the proceedings of these societies would be made known.

Q. You may say whether it was a person in that situation or not, tell me one or the other, whether it was a magistrate or not?

A. I have said I would answer the question in the best manner I could, that whether it was a magistrate or any body else, I was satisfied it would be made known.

Q. Did you hear my question? I put this question to you, if the person to whom you communicated your report, was a magistrate or no magistrate?

A. I beg to ask whether I am obliged to answer that question.

Lord President. You may say whether it is a magistrate or not.

Mr. Erskine. Was it to a magistrate?

A. It was not to a magistrate.

Q. Then

Q. Then who was it ?

Mr. Attorney General. I shall certainly object to that question being put.

Mr. Erskine. My lord, I am surpris'd at this. Is this man to be for seven hours reading papers, and when he says he informed a person by giving reports, and I am not to be permitted to ask him, nor he to shew me who these persons or person was, peradventure these reports were not made, I might be able to prove that they did not exist at that time, or that he never did shew such reports ? my Lord, I shall be perfectly satisfied with whatever judgment the court may pronounce.

Lord President. It is perfectly right that all opportunities should be given to discuss the truth of evidence that is given, but there is a rule which, on account of its importance to the public in the detection of crimes being brought forward, that those persons, by the channel through which those detections are made, should not be unnecessarily disclosed : if it can be made appear that really and truly it is necessary to the investigation of the truth of the case, that the name of the person should be disclosed, I should be very unwilling to stop it ; but it does not appear to me that it is within the ordinary course to do it, or that there is any necessity for its being done in this particular case : the man says, I did do this upon advice : I did from time to time communicate to a friend for the purpose of its being communicated to a magistrate, and that was the way he did it ; if there is such a rule, I think that rule will extend to this case, and I think we have this day determined that there is such a rule, and I cannot see any substantial difference between this man going to a justice of peace, and going to some other person who communicates to a justice of peace : it will not in itself amount to any evidence.

Mr. Gibbs. With great submission to your Lordship, the way the question was put to the witness was this, Mr. Erskine was sifting the credit of the witness : he asked him not who employed him ; he wanted to know whether what he said now was what he always said ; and he did not ask him who employed him, but whether he had communicated to any body what he had seen at the societies : his answer was, he had communicated to a friend ; and with submission to your Lordship, it is common practice when a man's credit is sifted in that way, and he says he has told it, surely the counsel has always a right to ask who that person was to whom he told it.

Lord President. I believe in general, where it is not joined with the circumstance of its being connected with the channel of communication to government, what you say is true ; but if there is such a rule the channel should not be opened ; but it appears to me there is a rule which does exist.

L. C. Mac-

L. C. Macdonald. Ask him if it was any servant of the public.

Mr. Attorney General. I am sure, I am pressing a question, which will always excuse a counsel upon any occasion, who is acting to the best of his judgment upon public business, if he should be ever so much mistaken in his ground. I contend that this question that Mr. Erskine put, is not a question fit to be put: with respect to what has been stated as the principle upon which the question was originally put, your Lordship will permit me to state what was the fact, at the time this objection arose: my learned friend asked the witness, whether the person to whom he made this communication, was or not, a magistrate? As I understood the answer of the witness, it was to this effect, that he made the communication to a person who was in such a situation that he had no doubt, but the conduct of these societies would be watched by those whose duty it was to attend to it: then it is said, if it was not a magistrate, I have a right to ask who it was: now my Lord, I know I ought to state it with very great resignation, not having practised in a court of *nisi prius*, not being able to state to your Lordship what is the practice at this day, and what the principle to be deduced from that practice; but it certainly has been the case, that in the early period of my life, I had a great deal to do with this sort of business in courts of law, and I humbly state my own opinion, that if the rule with respect to asking a question of a witness, be that if he is to disclose a channel of communication to a magistrate, or to those persons who cannot be strictly said to be in a situation of magistracy, but who have those duties to perform which belong to magistracy, that a question of that sort is not to be put. My learned friend says, cannot I try the credit of the witness by questions? Now the habit of the last six years of my practice has been to know the practice of the Exchequer, where it is the case every day, a man has committed an offence against the revenue laws; now what is the principle upon which the court say, such questions shall not be put? I know the objection will be put thus: it is necessary I should know how far he is credible in what he states, and that therefore I have a right to ask to that point; but a court of justice does not sit to catch the little whispers of popularity: it proceeds upon great principles of general justice, and it says individuals must suffer inconveniences rather than great public mischief should be incurred; and it says, if men's names are to be mentioned who interpose in those situations, great crimes must be passed over without that part being taken which is disagreeable, but which is extremely necessary should be taken on the part of the public; therefore I say that that objection now made, always stating it with the greatest deference to your Lordship,

Lordship, and upon what I think is founded upon the clearest principle of duty to every person that forms a part of the community: I state this, that after having distinctly stated that he said this to a person who was to communicate it to those who would necessarily take care of the interests of society in consequence of it, that he should not open that channel of information: at any rate my learned friend's objection was too early.

Mr. Justice Buller. Did he say that he disclosed it to this friend for the purpose of its being communicated to a magistrate?

Mr. Erskine. No.

Mr. Justice Grose. He says, I was satisfied it would be made known.

Mr. Gibbs. I think he said, I consulted a friend who recommended me to do this.

Lord President. He did so.

Mr. Erskine. The manifestation of innocence is as great a principle as the punishment of crimes.

Mr. Attorney General. Most surely, Mr. Erskine.

Mr. Erskine, to Witnests. You told me you made a report in October 1792. Did you shew that book you have been reading to any body in the month of Sept. 1792?

A. No, I did not—I wish to inform you how it was that I did give any information. I told you that I was advised by a friend to give that communication, and I did give it in a quarter that I was well satisfied that it would be known that there were these sort of societies in London: the mistake has been made that I communicated it to that gentleman that I consulted: I never saw that gentleman upon the business afterwards. I continually communicated it, but it was by the channel that he directed me.

Q. You was advised by a friend to whom you had communicated what you knew, to make that communication to a person whom he recommended? now we understand each other.

A. Yes.

Q. Was that friend who advised you to make that communication, a magistrate?

A. No.

Q. Then who was that friend?

Mr. Attorney General. I object to that.

Mr. Erskine. I do not ask who the friend to whom he was recommended, because that he says was a channel from whence government was likely to be informed; but my question now is, who was the friend? which friend was not a magistrate, who did advise the witness to give that communication to a magistrate.

Lord

Lord President. If the principle is right it extends to that, because the telling that friend is putting him in a situation in which he ought not to be put, and which it is inconvenient to general justice that he should be put.

Mr. Erskine. Suppose now, for instance, I am in possession of evidence, which I could not possibly produce in contradiction to the witness, that he had made no communication to any human being, and that it is only a fabrication; I am only putting it for argument sake; how is it possible, if I cannot be allowed to extract from the witness who the person was to whom he made the communication? Is it to be supposed that I should not have a right to ask the solicitor of the Treasury, in this country of law and liberty? I trust the law and liberty of this country will always go together; and I hope in God the government and its administration will be so conducted, as to carry with it all the huzzas of popularity which a government well administered will always carry with it; then it can carry no contumely with it. When a man who has advised with a person, who says, "Go to a magistrate; Sir, I am busy, I am no magistrate; I advise you to go to the Secretary of State, and tell him:" should I think that I were at all brought in question for having given an advice I could stand to in the face of the whole world? How then can the public be affected by it, if I was to go on, and ask afterwards who that friend was. If it was not over-ruled by the Court, I would go further, and say the same rule goes further; I could ask him, Did he give you the information he said he did? Suppose he says I communicated this in November, 1792, to Mr. White, the solicitor of the Treasury; should not I have a right to examine whether that fact be true or no? I could not ask him what he did communicate to him; but I could ask him whether he did communicate any thing to him; and if he says "No, I never saw the man in November, 1792, at all;" would it not shake the credit of the witness in the eyes of every man of common sense? I humbly apprehend it would, and I hope I shall always consider that, under a manifestation of innocence, the laws and liberties of the country may thrive; and they cannot thrive unless they always go together. Suppose I ask, Who advised you? he must say he had it from somebody; he must say some name: then have I not a right to call that person, and ask, Is it true? where did he tell you? at what place? who were present? in order to trace the truth whether he did so or not.

Mr. Gibbs. I submit this to your Lordship, whether this is not the distinction, that if facts are communicated to me, he shall not ask if those facts were communicated to me. I know this is an informer that communicates these facts; no doubt, it is my ignorance, and I ought to be better informed in my profession; but I confess I never have met with an instance in which it has

been objected to asking the witness, upon the cross-examination, who the person was to whom he communicated the fact, because it happened that that person did communicate it to a third. I know that where an informer has communicated facts to a person, that you cannot ask who the person was that brought these facts to his knowledge; but when a person is asked in the examination in chief what he has communicated to another person, and does not mention him, because he says that person advised him to communicate it to a magistrate, I think it an objection that never was urged in a court of justice.

Lord President. There is some doubt in the court how the fact stands, whether in consequence of the first advice that he received, he afterwards disclosed these circumstances to the same friend, by whom he supposes it is communicated regularly to some of the magistrates, or whether it was another person.

Mr. Gibbs. He says it was another person.

Chief Baron Macdonald. My reason for desiring you to ask that question is, I wish it were explicitly known, whether the person to whom he first addressed it was a person in magistracy or not.

Mr. Attorney General. I only wish to have it understood, what the objection I now take is, that Mr. Erskine has no right to ask the witness who it was advised him to give the information to the magistrate; for the person by whose advice the information is given, is to all intents and purposes the informer. I wish to explain myself. Who this person was I do not know; but your Lordship will recollect, I stand here as prosecutor for the public; if I were in my own cause, I could sacrifice at my own pleasure principles which appear to me to be principles of public justice; but in the situation in which I stand, I don't know how I can vindicate my character to the public, and towards the prisoner, but by acting upon principles of law; admitting, at the same time, no man more likely to be mistaken than myself. But this I will say, that I would not trouble your Lordship, were I not thoroughly satisfied in my own mind, and I mean according to my duty, and with humble deference to your Lordship's judgment, to beg to have your Lordship's opinion, that that question cannot be put. I know it may be strongly argued, as it is strongly argued by my learned friend, how am I to find out whether a witness speaks the truth, or does not speak the truth, if I cannot ask him that sort of question? Suppose you state in 1792, that that advice was given; suppose it was to Mr. White; not, says he, that I am to ask what are the particulars of it, but ask the fact, whether this person did or did not advise with him in 1792; why cannot you ask the particulars for the same reason that you cannot ask it at all, viz. that it is a private communication which ought not to be opened. In the Court of Exchequer, in many instances, it happens every day. I receive an information there
are

are goods that have not paid duties at such a place, and I find them there; it is impossible to deny the fact; the reasoning is just, that by trying his credit, asking him, Who did you receive it from? when did you receive it? and under what circumstances? and if the man is bound to answer to those questions, if he had sworn falsely as to the time when he found them, the place where he found them, or the circumstances under which he found them, the defendant must be acquitted. It is a hard case, but at the same time it is become a settled principle, that you shall not ask that question; and it is a hardship that occurs in particular cases, in consequence of the necessity of public justice. If the prisoner at the bar, which I am very sure I ought to have my gown stripped off my back if I acted from any thing but a conviction that I was doing my duty, suppose he was tried in the course of a transaction of that kind, where it would ruin him with respect to his pecuniary circumstances, over and over again; I think it is perfectly clear, you cannot ask who gave the information, even in a case, the consequence of which is to ruin the defendant. The question could not be asked then. I ask, whether upon common principles, the person who desires him to go to a magistrate, is not the informer? and the consequence will be, that those who may not have nerves so strong as many others who are in the world, a great number of persons who don't chuse to have their names mentioned, must have them brought forward. I take the providence of the law to say, that the name of the man who is substantially the informer, shall not be disclosed. I have thought it my duty to myself and your Lordship, thus to state the grounds of my objection. I have stated the objection thus at length, and I am convinced that it is right, because I cannot, I think, discharge my duty to the public otherwise; I cannot see how an Attorney General can proceed safer, than according to his conviction of what is right, and acts from those convictions what he presumes consistent with his duty.

Lord President. I, for my own part, adhere to my opinion. I think we must stand upon the principle, and that when we are run into very nice distinctions upon the principle, we get into difficulties, from whence we never know how to disentangle ourselves, or relieve the mind. The question is, whether, if it be proposed, any of the channels by which this information and discovery comes to the officers of the crown, shall be unnecessarily disclosed; I say unnecessarily, because it is no part of this fact at all whether this man did or did not mention this circumstance to this friend of his, or whether this friend of his gave him any particular advice: the only way in which it is permitted to be asked, is, because it may enable the defendant, by drawing out circumstances collateral to the fact, to establish a contradiction to the evidence of the witness upon those collateral circumstances, and so to affect his credit. Now that would be true of every

question that the wit of man could suggest; yet undoubtedly there are many questions which even upon cross-examination are not permitted to be asked; among which I take to be those which tend to disclose the channels of justice; for the conveyance of public justice is not to be disclosed, and all persons in that situation are protected from the discovery. And if it is objected to, it is no more competent to the defendant to ask him with whom he advised, or to whom he communicated that advice. I can never distinguish, for my own part, the cases. If my brothers are satisfied, and if they think there is not reason for the principle I have stated, I shall be glad to submit to their opinion. Upon the whole, I think it puts the person into the situation described by Mr. Attorney General, of being in substance the informer to the government, of the circumstances so disclosed. I therefore think it is a question that ought not to be asked.

Chief Baron Macdonald. It seems you are agreed as to the fact, that the person to whom the witness says he made his first disclosure, was neither a magistrate, nor any person concerned with him in the executive government of the country; and from that person he received advice, no longer to apply himself to him, because that was of no use, but that he should apply himself to some one in a magisterial situation, one somehow concerned in the government of the country. I confess, I see a considerable distinction; you certainly ought not to disclose to what magistrate you discover this matter; and if this friend were truly and substantially in the channel of communication, I should conceive that rule applied to him, which, as Mr. Attorney General truly observes, is constantly observed in the Exchequer; but, on the other hand, it seems to me, that it is very material to know when a person at a distance of time gives an account of the transaction, whether it is at that time he first gives the account, or at a distance; it is a matter from whence important facts may be discovered, which may affect the credibility of his testimony; if he does not disclose it for a considerable length of time, some inference disadvantageous to his testimony may be drawn from thence: it is of importance to the prisoner that that question should be asked, unless a very great public inconvenience should be the consequence. It does not appear to me, that a person not executing magistracy, but a mere private friend, that this being discovered to such a person, and he simply saying, Do not come to me, as I can be of no use to you; that no disadvantage can possibly arise in a case of that kind, and that it is a fair question to ask, in order to ascertain whether such a fact was or was not revealed. I mean to draw the line here, that that person is a mere stranger either to magistracy or the executive government; if he were connected with either of them, I should think it ought not to be asked; but being a mere private friend, it does not appear

pear to me to fall within the rule, which rule is held as sacred as any.

Mr. Baron Hotham. The witness has said he communicated this to his friend, under the impression and full persuasion, that through him, the intelligence he gave was to be conveyed to the magistrate; that he has distinctly stated. Now the question, it seems to me, does turn upon public policy; and I confess, for my own part, that upon these principles I do not see any distinction between making the discovery to the magistrate himself, or making it to any body who is to communicate that discovery to the magistrate; the principle is, that public justice demands, in many cases, that sort of secrecy, without which government could not be carried on. There are many cases, we all know, where it is of the last importance to us all that such secrecy should be observed; and it is admitted on all hands, that if the communication is made to a magistrate, you shall not oblige the witness to disclose who that magistrate is; that is for the purpose of public justice to the country. Now here, this man has communicated to his friend, for the purpose, under the persuasion of his going directly to the magistrate: being advised by him in doing what he did, I cannot, I confess, distinguish the situation of that friend from the situation of a common informer; and I know it would not be permitted to ask the question of him: in that case, to be sure, I consider this case as a link of the same chain. I do consider it makes no sort of difference whether the intelligence is directly conveyed to the magistrate, or by more indirect means; the purpose of disclosure is, that it may be discovered to the magistrate.

Mr. Justice Buller. With respect to the questions that have been alluded to, where an offence has been committed against the revenue laws, I have paid every attention I could to my Lord Chief Baron, my Lord President, and my brother Hotham; the principles stated by them I shall certainly be disposed to pay the utmost deference to; and I think I do not differ from my Lord President in the principle he has laid down; and I believe my brother Hotham and I misunderstand each other, more in the facts than the conclusion of law upon facts. My Lord President and my Lord Chief Baron both said, that the principle is for obtaining public justice; and if you bring forward the informer in such cases, no man would give information; and therefore it is, that an informer, for the purpose of a public prosecution, shall not be disclosed; this goes to exclude the question respecting the second person, that is, the person to whom this witness was recommended: but the material point first is, whether the witness should answer the first question. I agree, if a middle man is made the channel of communication, he ought to receive the same protection as the person who ultimately receives it. But I take the fact to be quite otherwise, for here he does not commu-
nicate

nicate it for the purpose of persuading that other man to make the disclosure, but he consults him in the character of a private friend, reserving it in his own breast, whether he should bring it forward to public examination or not. Now his first conversation was merely with a private friend, in order to make up his own mind, whether he should make the discovery afterwards for the purpose of prosecution; and he reserved the option in his own mind, whether he would follow that advice or not. It seems to me the circumstances are exceeding different, and I think this is an answer to the argument of Mr. Attorney General; for he has ably and ingeniously put it upon this ground, that the person who gave the advice is the informer to all intents and purposes; for he never intended that his friend should be the discoverer, he only consulted him to make up his own mind, and therefore I consider him as standing in the same situation as the informer: my opinion is, that he ought to answer the first question, but not the second.

Mr. *Justice Grose*. In this case it appears to me, we all agree upon the principle; the question is, who is right in the application of that principle; for I do most perfectly agree, that the name of the informer is not to be disclosed: that is the law stated, and that is the law agreed upon by the Counsel on both sides. Then the question in this case is, whether the person is to be discovered, whose name is now to be considered as the informer; he says, he has communicated the proceedings of this society, and that he has done it from time to time. In consequence of whose advice is it that this is done? It is in consequence of this man's advice, whose name is now asked. Then I confess it does seem to me that substantially and really, according to every principle of good sense, he must be considered as the informer; and it is probable that the name of some other persons may be inquired in the course of this business; there may be more informers than one, and the same principle that applies to one will of course apply to the other; and when the evidence is, that this man advised the other what to do, he having acted according to that advice, is as essentially the informer as any one person can be; because, if it had not been by his advice, *non constat*, that that would have been done. I therefore, unwilling as I am, as I always am where life is at stake, to shut the door of evidence; yet, where a great point of constitutional law is at stake, I must give it according to my conviction. It has never been the habits of my practice to sit in that court where these questions generally arise; it has never been my practice to decide upon this point; and therefore, taking the rule and the principle to be, that the name of the informer is not to be disclosed, I can only look to this, whether the person whose name is now inquired into is the informer or not: appearing to me to be essentially the informer, I think he ought not to answer the question.

Mr,

Mr. *Erskine*. Was it before or after you had been at the society that you saw this friend ?

A. After.

Q. How long after ?

A. Immediately in the month of October ; I communicated immediately after I knew there were societies of this kind ; I communicated it to this friend of mine, whose advice to me was to give information ; this was after I was acquainted that there was such a Society as the London Corresponding Society ; in consequence of that advice I gave information immediately in the same month of October, 1792 ; and have continued it to the month of February.

Q. Did you communicate your reports in writing from time to time ?

A. Yes.

Q. Did you give copies of them ?

A. Yes.

Q. Have you any thing in that book which relates to your private affairs, if there are take them out or fold them down ; we don't want to concern ourselves with your affairs, or any thing that does not relate to this business, and let me look at the book : did not you appropriate the book for this sort of information ?

A. Yes.

Q. Then what makes you apprehend there are any matters relative to other business in it ?

A. Because I had communication and information from different gentlemen, and occasionally I made memorandums of those communications, and I should not wish that to be seen ; but it is impossible for me to see clear in this light, I will look the book over, or go into another room ; I would not wish to withhold any thing that I think is not right to be withheld ; I know there are some private memorandums.

Q. Then you will take them out, and let us see your book to-morrow morning ?

A. I will do that.

Q. Was it the custom at those meetings of the delegates of the Corresponding Society, for members to take notes of all that passed ?

A. It was always the regular rule.

Q. For every body to set down every thing that passed ?

A. Sometimes there was a communication, particularly from the chairman, which was not proper to be communicated to the division : you must not communicate that, either with regard to a letter or any thing else ; he will tell you, although you are allowed to take a minute of such a thing, it is not fit that you should communicate it to the divisions.

Q. I asked you, was it the practice ?

A. Yes, it was the custom.

Q. Then

Q. Then it was the practice of other members to set down, in certain loose papers, all the transactions that happened, and the substance of what every body said?

A. Yes; but any thing might strike me, and might not strike another person, and he might not take that particular notice to put it down.

Q. You don't profess that what you have been reading is the regular account of the most material facts that occurred, but those that were most suitable for your purpose to put down?

A. I cannot answer the question as you put it. I conceive that whatever was transacted in a public society to which a delegate was sent, he had a right to put down.

A. But you know you was not there as a real *bona fide* delegate, but for the purposes of public justice?

A. I was elected a delegate in the beginning of November, 1792, and continued so till January, 1794.

Q. Did you set down every thing that passed, or only those parts that appeared most material for the public to know?

A. I put down as much as I could. I believe it was not in the power of any of the delegates to have taken down the whole that passed; but it was the common practice of the delegates to take notes of what passed, in order to communicate a report from Thursday to Thursday.

Q. Then these reports are just the reports you would have made as if you were a *bona fide* delegate?

A. Yes, I did, and gave these reports at my division, No. 23.

Q. Have you been in any other way of dealing but an ironmonger, and in this commission way; did not you keep a china shop?

A. No, never.

Q. When you communicated to this person, whom you thought would go on and communicate it to a magistrate, did you rest satisfied that your friend would do so, or did you go to the magistrate himself?

A. I informed you that I asked that person what was best to be done; it was by the advice of a friend, who confirmed my opinion (when I found this society) that it was absolutely necessary it should be made known; he recommended me to that quarter which I apprehended was a certainty.

Lord President. Did you go to any magistrate?

A. I did not.

Q. You are asked a simple question---Did you go to any magistrate?

A. I did not.

Mr. Erskine. Did you learn from your friend, whose name I don't ask, whether he had from time to time laid the communications before a magistrate that you laid before him?

A. I gave the information myself.

Q. Then

Q. Then your friend, in point of fact, did not lay these papers before the magistrate?

A. I consulted my friend, who directed me to a quarter.

Lord President. The question is, whether you sent them to that quarter, or to a magistrate?

A. I sent them to that quarter.

Mr. Erskine. Did your friend advise you to go to any particular person?

A. He directed me to a quarter.

Q. A quarter! was it a man or woman?

A. I was recommended after that communication to a third person, but I communicated myself all the way through.

Mr. Justice Buller. You really cannot pursue that examination.

Mr. Erskine. How long was it after you was tried and acquitted before you came to the society again?

A. I was a delegate till January, 1794.

Q. I see in general your book does not profess to have taken down exactly the words, but only the substance of what fell from persons there; you made the best abstract you could; you say that such was the opinion, and there was on such a thing an argument?

A. Yes, names are put to some, and not to others.

Q. And if any individual reported a paper, or made an observation, or an argument, you took down the abstract of that in your own language?

A. I did.

Q. Were they taken down *bona fide* for the purpose to be reported by you as a delegate, or were they taken down for the purpose for which we have had them here?

A. Perfectly *bona fide* for the society and in regard to the public; both ways.

Q. You had better take your notes out with you, and take out your private memorandums: have you made any alterations since the original?

A. None; but there are some private memorandums in this book which do not belong to the society; those memorandums are wrote at the back of the society's minutes: these are things improper for me to deliver up, and therefore I wish to know what I am to do with them.

Q. Can not you paste something over them?

A. If I have time I can.

Lord President. In your hands if there is any thing that you will say upon oath relates to some other subject, it is impossible to be asked that that should be seen. How to arrange that, in a very long evidence like this, is among the difficulties of so extraordinary a case as this, and we must struggle in it as well as

we can. If they can be separated by passing over it, or if, with safety, by obliterating those parts, you will do it?

A. I could obliterate them with pen and ink, but there is no erasure, I believe, at present, as it stands now.

Lord President. Have you any objection to his doing it, upon his answering upon oath that he has not obliterated any of the articles to which he spoke upon his evidence. It is certainly a very important history of this society; it so happens, that there is an account of both the transactions of the delegates and the divisions: it has gone to a great length, though I do not mean to say a greater length than was necessary.

Mr. Erskine. I wish to put one question more to you, and one only; do you mean to re-swear that what you have read to-day as minutes, were taken *bona fide* as a delegate, as if you had not had any other intention?

A. Yes, they were.

Q. And these reports were made by you as a delegate?

A. Yes.

Lord President. He must have reported from notes from the nature of the thing; he must have done it from materials, and if he has dealt fairly with us, these are the materials.

Mr. Attorney General. The witness spoke to a paper which was found in the house of Mr. Adams, the secretary to the Society for Constitutional Information, in London; we shall now produce that paper.

Q. (*To Maclean*) Where did you find this paper?

A. At Mr. Adams's house.

(*Read by the Clerk of the Court.*)

"A letter dated Sheffield, 13th October, 1792; signed, the editor of the Patriot; addressed to Mr. Andree, secretary to the Society of the Friends of Universal Peace, at Stockport." See p. 277 of this work.

Mr. Attorney General. I shall trouble your Lordship with now proving a draft in answer to this letter, found in the possession of Mr. Adams; it has two hand writings in it, and I may possibly trouble your Lordship with the proof of the hand-writing, but not at present.

Q. (*To Maclean*) Where did you find that?

A. At Mr. Adams's house.

(*Read by the Clerk of the Court.*)

See Appendix to this work.

JOHN COATES sworn.--Examined by Mr. ATTORNEY GENERAL.

Q. You are very deaf, I believe, are not you?

A. Yes.

Q. Do you know one Mr. Franklow?

A. Yes.

Q. Were you apprenticed to him?

A. Yes.

A. Yes.

Q. Where did he live?

A. No. 1, Cheyne Walk, Lambeth.

Q. How long have you lived with him?

A. I was bound there November last.

Q. How did your master employ himself after his work was done?

A. He used to stay out very late at night.

Q. Was any thing going on up stairs at your master's house?

A. Yes.

Q. What was it?

A. Exercise.

Q. Of what sort? what exercise?

A. With fire-arms.

Q. Who came there to exercise?

A. I only knew two of them, Mr. Shelmerdine and Mr. Williams.

Q. Mr. Williams the gun-maker that lives at the Tower?

A. Yes.

Q. Where does Mr. Shelmerdine live?

A. In Bandy-Leg Walk.

Q. How often did they exercise?

A. About twice a week.

Q. How many exercised at a time?

A. About eight.

Q. Were they always the same eight, or different people?

A. I did not observe them always; I suppose they were all the same.

Q. Were the windows of the room in which they exercised open or shut?

A. Shut.

Q. Were they shut accidentally, or on purpose?

A. I don't know.

Q. You are sure they were shut?

A. Yes.

Q. What do you mean by their being shut; were there shutters or curtains, or what were they?

A. Shutters.

Q. What time at night did they usually exercise?

A. About eight.

Q. Do you know whether your master ever went to any other place to exercise?

A. They used to go Worcester Street, Borough, sometimes.

Q. To exercise?

A. I don't know.

Q. Did the people that came to exercise at your master's house live at Lambeth?

A. I don't know.

Q. Do you remember your master being apprehended; was you at your master's house when he was apprehended?

A. I was not with him then, I was very ill in bed at home.

Q. You went back again, I believe?

A. Yes, I did, a day or two afterwards.

Q. Did you ever see where these arms were kept?

A. In the first floor.

Q. After you went back again were there any arms lying about the house open or concealed?

A. I did not see any arms after that.

Q. Do you remember any cartouch boxes?

A. Yes.

Q. Where were they put?

A. In the cutting room.

Q. That is the tailors' room where you work?

A. Where my master cuts out.

Q. What part of that room?

A. They were laying on the top of the board that the things are cut out upon.

Q. Did your master say what was to be done with them?

A. He wanted me to take them to Mr. Shelmerdine's, at Bandy-Leg Walk.

Cross-examined by Mr. ERSKINE.

Q. How did your master dress himself when he went out?

A. I have seen him in his regimentals.

Q. Blue coat, red cape, white waistcoat and breeches, and cocked hat?

A. Yes.

Q. And the cartouch boxes were laying upon the cutting-out board openly?

A. Yes.

Q. And the arms up in the room?

A. Yes.

Q. Did the other people wear uniforms too?

A. Mr. Williams had them on.

Q. Your master walked out publicly in the street with them?

A. I have seen him with them on.

Mr. Attorney General. You told my Lord and the Court that you had seen your master with these regimentals on once?

A. Yes.

Q. Where was it?

A. In his own house, on Sunday morning.

Q. Did you ever see him go out with them?

A. No.

Q. Did you ever see any body come into the house with regimentals?

A. No.

Mr.

Mr. *Erskine*. You say there were but four or five that attended?

A. Yes, eight.

JAMES WALSH sworn.---Examined by Mr. LAW.

Q. Was you at Chalk Farm on the 14th of April?

A. Yes.

Q. Do you remember Richter being there?

A. Yes.

Q. Do you remember his addressing the people?

A. I remember his reading some resolutions.

Q. Do you remember any thing being said by him or any body else about calling a convention?

A. I heard the word convention, but there was such a confusion I cannot remember much of it.

Q. But was any thing mentioned accompanying the convention?

A. I did not hear the correct words.

Q. Did you hear any thing about corresponding with other societies?

A. Yes.

Q. What was said about that?

A. To the best of my recollection that they had formed correspondence with other societies; and they mentioned the towns in England, they mentioned the towns in the North, and several different towns; but I was at so very great a distance, that it was impossible for me to hear what was said.

Q. You did not hear what was stated to be the object of this correspondence?

A. Not so as to collect any thing.

Q. Did you hear the resolutions read?

A. Yes.

Q. Did you hear mentioned what number of those resolutions should be printed?

A. I think it was mentioned that 100,000 were printed of the former resolutions, and that not being sufficient, they meant to print 200,000 of these.

Q. Was any thing besides these resolutions ordered to be printed, any thing of a speech?

A. I cannot speak to that. There was, I believe, something said about Lord Stanhope's speech, but I cannot swear to it.

Q. Did you hear Mr. Thelwall speak?

A. Yes, but not distinctly; and he was very violent, as usual. I could not tell any thing that passed.

Q. Was any thing said about arms, that you distinctly heard?

A. No.

Q. Do you remember an Irishman being there?

A. Yes; he need not to have told us so, for he had the brogue very much. I could not distinctly hear what he said.

Q. You

Q. You went there for the purpose of observing what was going on?

A. Yes.

Q. Was Mr. Hardy there?

A. I cannot say; I was told he was there.

Q. You did not hear any thing distinctly?

A. No.

THOMAS GREEN *sworn*.---Examined by Mr. ATTORNEY GENERAL.

Q. Was you a member of the London Corresponding Society?

A. Yes.

Q. What are you by trade?

A. A manufacturer of perfumery.

Q. Had you any occasion to deal in knives lately, or at any time?

A. I have dealt in knives and scissars ever since I have been in business.

Q. Knives and scissars?

A. Yes; in cutlery in general.

Q. Have you had any knives for the purpose of sale, or other purposes, that are difficult to shut when open, without opening the spring?

A. There is a little difficulty in it, but not much; there is a catch in the spring.

Q. You cannot do it, without knowing how to do it?

A. No.

Q. How many had you in your possession at any time?

A. Three dozen.

Q. Where did you get them?

A. From Sheffield.

Q. How many did you part with?

A. I don't know; about fourteen out of three dozen.

Q. Who did you part with them to?

A. Several persons.

Q. Did you sell them singly, or altogether?

A. Singly, one at a time.

Q. Did you part with any to the prisoner?

A. One.

Q. Did you put any, and how many into his possession, for any and for what purpose?

A. I gave him one package, (they were in packages, not more than seven, nor less than six,) for him to take his choice. He paid me for one, which he meant to keep.

Q. How long was the whole package in the prisoner's possession?

A. I cannot tell; it was a very short time, not many weeks.
I did

I did not book them, for I knew Mr. Hardy very well; I had bought shoes of him.

Q. How many weeks?

A. About two.

Q. When did you get them back again, after he was apprehended, or before?

A. After he was apprehended.

Q. What difference was there in those knives that were in this package?

A. I don't know if there was any, except in the handle.

Q. Do you recollect that any other person had any?

A. One Mr. Billington had.

Q. Did you sell one to Mr. Pearce?

A. No.

Q. Did you sell one to Mr. Groves?

A. Yes.

Q. Did you sell one to any other member of the society?

A. I don't know that I did.

Q. Who was the manufacturer you had them from?

A. Scofield and Co. at Sheffield.

Q. Did you write to them for them, or did they send them to you without?

A. Before that time I dealt with Coates, a wholesale manufacturer at Sheffield, and they generally had riders to go about town with different goods. The rider called upon me, and I gave him orders for the goods.

Q. How did you know he had knives of this construction?

A. Among a great many things I ordered them; I had seen them in different shops about town; I had seen them in the Strand and different public shops.

Q. Did the prisoner apply to you to buy one, or did you apply to him to buy one?

A. He applied to me.

Q. How did he know that you had them?

A. I don't know any more than any other customer.

Q. Was you at Compton Street, after the Chalk Farm meeting?

A. Yes, I was.

Q. Do you remember seeing any of them eating bread and cheese with these knives?

A. Yes, I had one then at supper; and there was a remark or two made upon them, that they were a very useful knife.

Q. Did you see any other person have one?

A. Yes, I think Mr. Pearce had one.

Q. Did he tell you where he got it?

A. No, I do not remember.

Q. Was it one of the same kind?

A. Yes.

Cross-examined by Mr. ERSKINE.

Q. Have you got one of these knives?

A. Yes. (*produces it.*)

Q. O! is this all?

A. I have had one of the kind these seven years. I have used it in my business.

Q. Had you any intention to cut throats with them?

A. No, I hope not.

Q. You cut a bit of meat at night with them?

A. Yes, and bread and cheese, or any thing.

Q. Are these kind of knives very common?

A. I believe there are very few cutlers shops that have not got such knives.

Q. Are they a new discovery of the age in which we live, or have they been made use of a long time?

A. They have been made use of a long time in London.

Q. Did Mr. Hardy buy a knife of you as a common customer?

A. Yes.

Q. And he happened to be taken up before you had your knives back again?

A. Yes.

Q. A very useful knife it is, and I will buy one of you the next time I see you. I have another question to put---Do you know Mr. Groves?

A. Yes.

Q. Had you any conversation with him about having sold knives of that description?

A. Yes; he came to purchase a knife at my shop, and other things; he remarked the knife, and said it was a very useful knife.

Q. Did you tell him that you had sold two or three hundred of them?

A. I did not mention any particular number; he asked if it was a saleable article, I said it was. I should sell nothing in my business if I did not say that.

Q. Did you tell him to speak low, that your wife was in the parlour, and that she was a damned aristocrat?

A. I will make oath that I made use of no such expression.

Lord President. What was the expression you did make use of?

A. I don't know; but I am sure no man ever heard me swear for these seven years. I might make use of an expression in this kind of way, when he asked me if it was a saleable article, I might have said, yes, it was, but I did not mention any particular number.

Q. Did you say any thing to him as if you thought there was any thing improper in selling these knives; did you desire him to speak low, because it should not be heard by your wife: Groves

has

has thought fit to swear that you told him to speak very low, that the parlour door was open, and that you did not want your wife to know you was selling these things; she was a damned aristocrat?

A. Those knives lay open in my shop; so far from hiding them from my wife, or any body in the parish, that they lay in my show glass, and in the window for public sale.

Q. Would you have sold a knife of any description to any man that intended the bad purpose of cutting throats?

A. If I knew it was his intention I certainly should not.

Q. Did you buy these knives for the purpose of selling them to mischievous people?

A. By no means.

Q. Then it is not true what Groves has sworn concerning you?

A. No, I did not make use of such an expression.

Mr. Attorney General. To be sure it would not be very polite to call one's wife a damned aristocrat?

A. I don't recollect saying any thing about my wife, or aristocrat, or any thing of the kind.

Mr. Erskine. Did you wish to conceal it from your wife?

A. Not at all.

EDWARD HODGSON sworn.---Examined by *Mr. LAW.*

Q. Look at these papers; were they printed by you?

A. I beg leave, with submission to the Court, to know whether I am bound to answer that question or not.

Lord President. We don't know what the tendency of the paper is. You are not bound to answer any question that may tend to criminate yourself.

Mr. Law. The tendency of the paper is advising people to make use of arms. Then I will ask you not whether you printed it, but did you receive orders from any body to print a paper of this kind?

A. I did.

Q. From whom?

A. From a person of the name of Hodgson. I never was at his house; I was informed he lives in Westminster.

Q. When did he apply to you to print a paper of this description?

A. I presume it might be about the month of March last.

Q. Hodgson is already proved to be a member of the London Corresponding Society; what was it he brought to you, a manuscript copy of that paper?

A. Yes.

(Read by the Clerk of the Court.)

"Countrymen, you are told by those in office, that you are in danger of a French invasion. You are told by those who are out of office, that you are in danger from Hessians and Hano-

verians. In either case, arms will be of use to you ; get arms, and learn the use of them."

Cross-examined by Mr. GIBBS.

Q. Was you a member of either of these societies ?

A. I was a member of the London Corresponding Society.

Q. How long had you been a member ?

A. I presume I was a member about three months, and then I ceased to be a member.

Q. About what time did you cease to be a member ?

A. Immediately on the report that the society had improper objects in view.

Q. About what time ?

A. In the month of May, on the first apprehension, I believe, of the prisoner and Mr. Adams. I never attended the society afterwards.

Q. During the time you was a member of the society, had you any reason to think they had any other object in view but a parliamentary reform ?

A. Never.

Q. You had no reason to think they had any other object ?

A. None in the world.

Q. Parliamentary reform, in what house of parliament ?

A. In the Commons house of parliament.

Q. Had you any idea that it was any part of their plan to attack the King ?

A. Far from it.

Q. In any respect to lessen his authority in the state ?

A. Far from it: I never heard any thing of the kind stated directly or indirectly.

Q. Had you any reason to suspect they meant to displace the Lords from any authority they have in the state ?

A. Not the least in the world. I am sure I should not have continued a moment longer with them if I thought they had.

Q. Was your leaving them entirely occasioned by Mr. Adams's and Hardy's being taken up ?

A. Yes ; together with the reports that they had improper objects in view.

Q. Did you attend the society often ?

A. I did not attend very often. Part of the three months I was indisposed and confined to my room.

Q. But during the time you did attend it, this you collected to be their object ?

A. Exactly so.

Q. They had been talking of a convention---had you any idea in the society that that society was to take upon itself the functions of the legislature, and to make laws ?

A. During the time I was there I always understood, when they talked of a convention, it was as a thing by no means determined

terminated on; that they wished to take the sense of the societies in the country, whether such a step was advisable as assembling a convention.

Q. Had you any idea that men were to be assembled together, who were to take away the authority of King, Lords, and Commons, and make laws themselves?

A. Not the least shadow of such a thing.

Q. Did you ever hear any conversation among the members tending that way; had you any idea from any thing you have ever heard, that there was an intention in those societies to introduce the anarchy of France into England?

A. No, I had not.

Q. When was that hand-bill brought to you?

A. Somewhat about the month of March last, by one Hodgson; for I did not become a member till February.

Mr. Attorney General. You have certainly acted very properly in withdrawing yourself from them, as to the protection of your own character; all you know about it was between February and the time they were taken up?

A. Yes, between the meeting at the Globe Tavern and the apprehension of Mr. Hardy and Mr. Adams.

Q. Was you at Chalk Farm?

A. Yes.

Q. Have you read the resolutions at Chalk Farm?

A. Yes, I have seen the printed account of them, and also in the report.

Q. Have you seen the printed account of the proceedings of the 20th of January?

A. I don't recollect that I have to this hour.

Q. Do you know if they had any thing to do with Paine's Works of the Rights of Man?

A. I never knew that but from hearsay.

Q. Were you applied to to print the proceedings of Chalk Farm?

A. I was.

Q. By whom?

A. By several members, not by any individual members; I was at the committee division, as it was termed, and it being determined to print them, I was applied to.

Mr. Attorney General. I am now going to proceed to prove a circular letter of Mr. Hardy for calling a convention.

GEORGE ROSS sworn.---Examined by Mr. GARROW.

Q. Where is your place of residence?

A. In Edinburgh.

Q. Was you a member of any society at Edinburgh a any time?

A. I suppose you mean the Friends of the People.

Q. Yes?

A. I was.

Q. When did you commence to be so?

A. I believe some time about the end of the year 1793.

Q. Was you at any time a member of any meeting or society called the British Convention?

A. Yes, I was.

Q. When did you become a member of that Convention?

A. I do not recollect at what time the Convention was held at present.

Q. Was you deputed from your society as a delegate to the Convention?

A. I was.

Q. Can you tell what time your delegation took place?

A. I made a mistake, it was the end of the year 1792 that I became a member of the Friends of the People, and in 1793 the Convention was held.

Q. At what time was you appointed delegate to the Convention?

A. The end of November, or the beginning of December, 1793.

Q. Did you attend any of the meetings of the British Convention at Edinburgh?

A. Several of them.

Q. Were there delegates from other societies in Scotland?

A. Yes, there were.

Q. Were there any from other parts of the kingdom?

A. Yes, some from England.

Q. Was you ever a member of the London Corresponding Society?

A. Never.

Q. Do you remember at any time receiving any letters similar to that which I now put into your hand?

A. I did receive some letter similar to this.

Q. Among them, did you receive that identical letter in your own hand?

A. Yes; I think this is a letter I sent into the country.

Q. What other letters did you receive with that which were of a similar tendency?

A. I think about half a dozen.

Q. Who did you receive them from?

A. Mr. Stock, in Edinburgh.

Q. What was he with respect to the societies at Edinburgh; was he a member of any of them?

A. I believe he was.

Q. Of which?

A. One that met in the south side of the town of Edinburgh, a society that met in Simmond's Square, Nicholson Street.

Q. What was the name of the society?

A. I don't know any particular name.

Q. Was

Q. Was it a society of the same nature with that of which you was a member?

A. Exactly the same.

Q. Was there any committee in the society you belonged to?

A. No.

Q. Having received that letter from Mr. Stock, and five or six copies of it, what did you do with them?

A. I sent several of them into the country.

Q. First look at the superscription of the one in your hand, and tell me where that one was sent?

A. To a Mr. Walter Miller, at Perth.

Q. Name some other places to which you sent these letters?

A. I sent one to Strathaven.

Q. Any other?

A. I think I sent one to Paisley, and some other town, I believe, but I am not certain.

Q. Did you send any to Dundee?

A. I am not very certain of that.

Q. You told me you attended several meetings of the British Convention, as it was called?

A. Yes.

Q. Be so good as tell us any of the proceedings of the British Convention at which you was present; did you write any of the minutes of the Convention?

A. I took some of the minutes.

Q. Did you act as secretary to the Convention?

A. Now and then: sometimes I did.

Q. Without troubling yourself with the whole of the proceedings that we have had already, do you remember any particular resolution that was passed with any extraordinary solemnity in the Convention?

A. I don't recollect particulars; I should know those parts of the minutes that I wrote myself, if I saw them.

Q. That is to say, if in the minutes you saw it in your handwriting, you should know it again; but I am speaking of that which is not there. Do you remember a resolution passed with great solemnity, such as rising up and taking one another by the hand?

A. I recollect being questioned upon that circumstance at the trials in Edinburgh before; I cannot be certain of it.

Q. Do you recollect whether you was present when such a circumstance happened?

A. No.

Q. Do you recollect the dispersion of the Convention by the magistracy of the country?

A. I was not present at the first dispersion; I was in custody.

Q. After

Q. After that, do you know of the forming of any committees of ways and means, or any thing of that sort?

A. After the dispersion of the Convention I did not attend any of the committees.

Q. Do you know of the formation of any committee which met in your own house?

A. I cannot swear to that, because I was never present at one.

Q. Though you was not present at any of these meetings, did you, from any of the persons who were members of the Convention before its dispersion, learn that there had been a committee of union formed after the dispersion of the Convention?

A. I understood that there was a committee of union.

Q. Did you understand it from any of the members of the Convention that had been dispersed?

A. I cannot be certain of that; I do not recollect.

Mr. Garraw. This I now produce is a letter found in the possession of the prisoner, and which the witness received from Mr. Stock; we have already read one copy of it, which was transmitted by the witness to Miller, of Perth, and another to Strathaven, and others to different parts of the country. Your Lordship will recollect that an answer from Strathaven was received. It is a circular letter, &c. signed T. Hardy, secretary, and addressed to Mr. Walter Miller, of Perth.

See p. 242 of this work---“The critical moment is arrived,” &c.

Cross-examined by Mr. GIBBS.

Q. What was your opinion of the object of the Convention in Scotland?

A. To procure a reform in the House of Commons.

Q. Did your object extend further than to the House of Commons?

A. My object was to procure a reform in the House of Commons.

Q. Had you any design from what you collected from the members of the society, and from what was said and done in your presence, that there was any wish or disposition in the members to touch the King's person or prerogative?

A. I never thought so.

Q. Was that your object?

A. My object was to procure a reform in the House of Commons.

Q. You was made a delegate in the British Convention from your society?

A. Yes.

Q. When you met there as delegates, did you consider yourselves as the parliament of Great Britain?

A. No; we met to consider of the proper means of petitioning parliament.

Q. Was

Q. Was any thing done or said by the delegates from whence you understood or collected, or did you or they, so sitting in convention, assume the authority and functions of the magistracy?

A. I heard no such a thing.

Q. Did they exercise any functions of the legislature or executive power?

A. No such thing.

Q. Was any thing said by any member against the King?

A. Not that I know of; not that I heard.

Q. Did they make any laws to bind the people?

A. No, that would have been foolish enough to propose such a thing.

Q. What did appear to you to be their object?

A. I have told you before to obtain a reform in parliament.

Q. By what means?

A. By petitioning; and several petitions were sent previous to the meeting of the British Convention.

Q. What number did the Convention consist of?

A. There were about 200.

Q. Had you provided yourselves with arms to attack the magistracy and government of the country?

A. We had not.

Q. Were the delegates prepared to resist the magistracy by force?

A. No; when they came to disperse the Convention it was only by a sheriff taking the chairman by the hand, as a signal of force, and he came out of the chair immediately.

Q. Did he not insist that he was doing nothing illegal?

A. That was his argument.

Q. If you had considered that you was doing that which was illegal and dishonourable in a subject of the King to do, should you have done it?

A. Certainly not, I would have refrained from it.

Q. If you had considered it likely to be dangerous to the King's person and government, would you have done it?

A. I never meant any such a thing; I had no such intention.

Q. Did you collect from others in your society that they meant any such thing?

A. I never did, for it was always understood that our society was to obtain a reform in parliament.

Q. What sort of people was the Convention formed of?

A. People of all ranks, poor and rich; most of the poorer classes of people.

Q. Were there any reputable tradesmen among them?

A. Yes, there were some very reputable tradesmen.

Q. People of good character?

A. Yes.

A. Yes.

Q. Of sober lives and morals?

A. Most of them were men of sober lives and morals.

Q. Was there any thing done in the Convention that led you to take upon you any authority of your own?

A. No, they never thought of any such thing.

Mr. Garraw. It would not have occurred to me to have asked you whether you was a traitor or your associates: you have told that gentleman you had no idea of assuming the powers of legislation by force?

A. No, none at all.

Q. You meant to procure, if you could, a reform in the representation of the people?

A. Yes.

Q. And that by peaceable means?

A. Yes.

Q. And that you would have shuddered at the idea of forcible means being used---am I right?

Q. Yes.

Q. You had no idea of going further than that?

A. I can answer for myself that I never had.

Q. Was you present in the Convention when those present came to this resolution, and the constitutional judges of the country will see whether you had or not:---“That this Convention, considering the calamitous consequences of any act of the legislature, which may tend to deprive the whole or any part of the people of their undoubted right to meet either by themselves or by delegation, to discuss any matter relative to their common interest, whether of a public or private nature; and holding the same to be totally inconsistent with the first principles and safety of society, and also subversive of our known and acknowledged constitutional liberties; do hereby declare, before God and the world, that we shall follow the wholesome example of former times, by paying no regard to any act which shall militate against the constitution of our country; and shall continue to assemble and consider of the best means by which we can accomplish a real representation of the people, and annual election, until compelled to desist by superior force.” Do you know that the Convention you was a member of had come to that resolution?

A. I am not very certain that that resolution was passed in the Convention.

Q. Upon your oath you will swear you was not there?

A. I don't recollect being present; I cannot remember whether I was present at that or not.

Q. Can you say you was not present at such a resolution being passed?

A. I cannot

A. I cannot answer to that; the Convention was held for two or three weeks, and I could not get to attend it every day, but I commonly attended two or three hours every day, and I could not recollect all the different resolutions that were passed.

Q. I will mention another resolution, and see if you recollect that: "We do resolve, that the first notice given for the introduction of a Convention bill, or any bill of a similar tendency to that passed in Ireland in the last session of their Parliament, or any bill for the suspension of the Habeas Corpus act, or the act for the preventing wrongous imprisonment, and against undue delays in trials in North Britain,---" Upon your oath was not you there when that resolution passed?

A. I believe I was.

"Or in case of an invasion or the admission of any foreign troops into Great Britain or Ireland.

"All, or any of these calamitous circumstances shall be a signal to the several delegates to repair to such place as the secret committee of this Convention shall appoint, and the first seven members shall have power to declare the sittings permanent, shall constitute a Convention, and twenty-one proceed to business.

"The Convention doth therefore resolve, that each delegate, immediately on his return home, do convene his constituents, and explain to them the necessity of electing a delegate or delegates, and of establishing a fund, without delay, against any emergencies, for his or their expence, and that they do instruct the said delegate or delegates to hold themselves ready to depart at an hour's warning."

I fancy I have brought you to recollect that?

A. I do recollect that from your reading it.

Q. You said, there were no members of this society who were not decent respectable men, men of moral life and conversation?

A. No; the gentleman asked me if there were not some reputable tradesmen who belonged to the society; I said there were.

Q. Was Watt a member of that Convention?

A. No.

Q. Was Downie?

A. Yes.

Q. As you have said to that gentleman that you took their intention to be to proceed with peace and order, I ask you---

Mr. Gibbs. That is a thing that I was not suffered to ask even in the cross-examination.

Lord President. It is an habitual irregularity; it disturbs the argument of the examination entirely.

Mr. Garrow. I am much obliged to your Lordship for the kindness with which the admonition comes, and shall certainly bow.---Was you present when this resolution was passed: "That the moment of any illegal dispersion of the British Convention

shall be considered as a summons to the delegates to repair to the place of meeting appointed for the Convention of emergency by the secret committee, and that the secret committee be instructed, without delay, to fix the place of meeting?"

A. I think I was present on that occasion.

Mr. Erskine. Any of those things were to be a signal for holding these meetings?

A. Yes.

Q. But for what purpose?

A. To petition for parliamentary reform.

Mr. Garrow. The gentleman has asked you what you should do when you should be got together upon the summons of the delegates, to repair to the place of meeting appointed for the Convention of emergency, which the secret committee were to appoint in case the Convention should be dispersed: do you mean to state, upon your oath, that you had the least apprehension that that meeting upon emergencies, in a Convention of emergency, by a secret committee of emergency, was for the purpose of a petition to parliament?

A. I never would have agreed to that motion upon any other terms.

Q. Do you mean to state upon your oath, that this resolution, "that we will follow the wholesome example of former times, by paying no regard to any act which shall militate against the Convention of our country, and will continue to assemble at the place of meeting to be appointed in secrecy:" will you swear that you understood that to be a meeting in such place for the purpose of again petitioning parliament?

A. I had no other idea.

Q. Do you mean to swear you understood that to be the case in such emergency?

A. I understood that some people should be authorised to call a meeting whenever those circumstances should take place, and the intention of the meeting would be that of petitioning parliament.

Q. Then only, that I may understand you, the delegates were to keep themselves in readiness to depart at an hour's warning, for the purpose of again petitioning parliament, when they had before petitioned without effect.

Mr. Gibbs. The Convention had never petitioned. *Mr. Garrow,* in examining the witness, states to him, that their object was to keep themselves in readiness to depart at an hour's warning, for the purpose of again petitioning parliament, when they had before petitioned without effect.

Witness. I never supposed that the expression meant any such thing.

Mr. Garrow. Do you mean to swear that you understood that
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the delegates were to assemble at an hour's notice, in order to petition parliament upon the dispersion of the Convention?

A. I understood, that the delegates, whenever they got information that a Convention was necessary to be held, they should immediately send for these people.

Q. Do you mean to state, that you understood that the Convention of emergency, to be collected at an hour's notice, was to petition parliament?

A. I would never agree to that resolution, if they meant to oppose parliament, and if a Convention was called again, I certainly supposed they would petition parliament for a redress of those grievances that subsist.

Q. Now attend: How soon after the dispersion was the new Convention to be called together, and for what purpose? Were they to petition parliament?

A. As I understood it, that they still would continue, though their petitions had been rejected, that they would not give it up merely for the sake of a petition or two.

Q. That though the first petition should be rejected, and the Convention dispersed by force, yet you understood there was to be a new Convention of Emergency, with a Secret Committee of Emergency, and that they intended nothing more than to petition parliament?

A. Yes.

Q. Why did the society of the Friends of the People themselves petition without sending delegates?

A. The reason for that was, that in the Commons House it was stated, that the petitions did not state any plan of reform; and I understood it was to specify the particular plan of reform in their petition, and likewise----(*The witness paused.*)

Q. And likewise what?

A. I don't recollect what I was going to say.

ARTHUR McEWEN sworn---Examined by Mr. GARROW.

Q. Where is your place of residence?

A. At the Water of Leith.

Q. Was you a delegate of the British Convention at Edinburgh?

A. Yes.

Q. Did you attend the meetings of that Convention?

A. Sometimes I did.

Q. Are you now sworn according to the manner in which you usually take an oath?

A. No. (*He was then sworn by holding up the hand, according to the form of the Courts of Scotland.*)

Q. Were there any committees of that Convention for the purpose of conducting its business?

A. I believe there were.

Q. Did they from time to time report the business to the Convention itself?

A. I don't know; I am not certain.

Q. Do you remember the Convention being dispersed by the magistracy of the place?

A. Yes.

Q. After the Convention was dispersed, do you remember any committee being formed out of the societies?

A. Yes.

Q. What was the name of it?

A. There was a large committee assembled, as I saw by hand-bills, that went under the name of the Committee of Union.

Q. Of what persons was that composed?

A. I cannot inform you as to the names.

Q. Was it composed of members of the Convention that had been dispersed?

A. Some of them were, I believe, and some were not, as far as I know.

Q. Were those who, as far as you know, were not members of the former Convention, members of the society of the Friends of the People at Edinburgh?

A. That I cannot say.

Q. Was there a person of the name of Watt, who was a member of this society?

A. Yes.

Q. Besides the large committee, besides the committee of Union, was there one called the committee of Ways and Means?

A. Yes, there was one chosen out of the large one, which went under the name of a sub-committee; and in a printed paper I saw it called a committee of Ways and Means; but who did that I don't know.

Q. Of that committee of Ways and Means, who were the members?

A. Mr. Stock, Mr. Burke, Mr. Aitcheson, Mr. Waldron, Mr. Downie, Mr. Watt, and myself.

Q. Now do you remember Mr. Watt, as a member of that committee of Ways and Means, reading a plan for the purpose of carrying on any plan of mischief at Edinburgh?

A. Yes, I do.

Q. You had been a member of the committee after the dispersion of the Convention?

A. Yes, I was.

Q. Will you be so good as to state to me what that plan was that Watt read in the committee of Ways and Means, as one of the delegates and members of the committee?

A. The purport of what he read from the paper ran thus.

Q. Do

Q. Do you know for what purpose in particular, or do you know what the reason of chusing this sub-committee was?

A. The reason of chusing this committee, as far as I can understand, was to look into the circumstances of Mr. Skirving; for this reason, that a fortnight before there came a letter, that from the Friends of the People was due to him 20l. and he wished they would make good that payment, and they wished to look into it, and to take care of his family; that was the intention of this committee being chosen.

Q. In that committee, was there any letter which had come to the society, and purported to be a circular letter which you were then met to answer; did you know that letter; was there such a letter in the committee of Ways and Means?

A. It never was read in my presence.

Q. Watt read a plan to the committee of Ways and Means?

A. Yes.

Q. Be so good as to state deliberately, and tell us what that plan was?

A. As far as I can recollect that plan ran this way, that it was laid there to seize the Lord Justice Clerk of Scotland, and the rest of the Lords of Council and Session, and the Lord Provost of Edinburgh.

Q. What more?

A. It was also mentioned to kindle a fire at the Excise Office, in the New Town; and there were to be parties stationed at the Luckenbooths.

Mr. Erskine. I wish to know in what way you make this evidence.

Mr. Attorney General. We have proved, by a letter of the 7th of May, 1793, that the prisoner sent a proposition to the Convention, at Edinburgh, to associate that society, not only with the London Corresponding Society, but with all the other societies throughout the nation; upon that, Mr. Skirving, the secretary, in answer to that, in a letter found in the possession of the prisoner, says, " That if either you in England, or we in Scotland, should attempt, *separately*, the reform which we, I trust, seek to obtain, we should, by so doing, only expose our weakness, and manifest our ignorance of the corruption which opposes our important undertaking; if we sought only the extirpation of one set of interested men from the management of national affairs, that place might be given to another set, *without affecting the vitals of the system adverse to reform*: These might be easily accomplished, but to cut up deep and wide-rooted prejudices, to give effectual energy to the dictates of truth, in favour of public virtue and national prosperity, in opposition to self and all its interested habits, and to withstand and over-awe the final efforts of the powers of darkness, is the work of the whole, and not of a part: " and he says in that letter, " That nothing short

of a general union among the people themselves will be able to heal the anarchy and discord that will follow; haste therefore to associate, at least be ready to associate:" and he further states, "Do not, I entreat you, hesitate, thinking such a work premature as yet, but a month, and then it may be too late." And then he goes on, and desires an affiliation in one great and indivisible family. Upon the 23d of November, 1793, we have proved that another letter was sent by Mr. Hardy, which is a letter written to Norwich, in which he informs the society at Norwich of the Convention called, and now sitting in Edinburgh, for the purpose of obtaining a speedy and radical reform; that the society at Norwich were in possession of the circumstances of the London Corresponding Society, and the society for Constitutional Information having sent delegates to that Convention, that it had diffused through the respective societies in Scotland a spirit and resolution; that a rapid increase of the avowed friends of liberty, which had already made its appearance, and the prospects which had been opened before them of the most complete union, the most determined perseverance, the most active exertion in every constitutional measure that can be devised for the recovery of our rights, and the complete renovation of the liberties and happiness which, as men, we are entitled to, and as Britons we have been taught to expect. Then he presses the society at Norwich to rouse to immediate co-operation with these efforts, for the general good. Let us awake you to a sense of the importance of the present moment, and persuade you, persuade all the patriotic societies in England, to strengthen immediate junction with this grand federation. We have also produced letters to Sheffield and Leeds, desiring them to send delegates to the Convention in Scotland. My Lord, they did send delegates to that Convention in Scotland, and Mr. Skirving, the secretary of the Friends of the People, appears to have written circular letters upon the arrival of the delegates from England to the societies, desiring them all to unite. We have read letters written both by Mr. Margarot and Mr. Gerald to Mr. Hardy, and from Mr. Hardy to Mr. Margarot and Mr. Gerald: Mr. Hardy, in a letter of the 8th of November, 1793, says, "That part of your letter which mentioned your visiting different towns in Scotland, for the purpose of promoting the cause, they were pleased with the idea; but they thought, that it could not be put in practice on account of the necessary supplies." My Lord, your Lordships will also find that there was that sort of resolution made which was just now mentioned to the witness, and it is stated, that they had even laid the plans of a future Convention. Your Lordships will also be pleased to recollect, that in December, 1793, Mr. Margarot, then in Scotland, writes to the London Corresponding Society, in which he says, he understands they have come to some strong resolutions. Your Lordships will find another on
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the 24th of December, 1793, of Mr. Skirving to Mr. Hardy, in which he says, the time is coming when they will shew themselves worthy of them. Then, upon the 20th of January, 1794, your Lordship will also recollect, that at the Globe Tavern they come to precisely the same resolution as that come to in the Convention in Scotland, before that Convention was dispersed, in case of a motion in the House of Commons for a suspension of the Habeas Corpus Act, and so on, the Convention should be called immediately; and it was communicated in a letter from Scotland, written by Mr. Margarot and Mr. Skirving, in which they state that a resolution was come to leaving out the case of invasion, and they say that letters will not safely communicate all they have to say on the subject. After the dispersion, these societies no longer existed as a Convention, but the Friends of the People, and other affiliated societies, proceeded to form committees of Ways and Means, and Union. I come, therefore, to submit to your Lordship, clearly laying a foundation, that up to this period all these societies were affiliated, that is, the London and Scotch societies, and that it is exceeding clear, that whatever Convention was called, was to be a Convention both of England and Scotland; this being so, we have brought before your Lordships, evidence, of which I will say no more, than that it is evidence to go to the Jury; that affiliated societies in London, and the members of them, were providing muskets and pikes; the Sheffield society corresponding also with Scotland and with the London Corresponding Society, which London Corresponding Society were also providing pikes. I therefore conceive I am entitled to prove the provision of pikes and the actual resistance of government in Scotland at the same time, exactly upon the same principle as if we were trying an open rebellion in the country. I say according to the principles in Lord Lovat's case, that if there was an armed force then assembled in different parts of the country, I should have been entitled to have shewn that there was another party resisting the King's forces, even though I should not be able, by letter, to shew that they were co-operating with each other; therefore this, according to that principle in Lord Lovat's case, I think is perfectly clear.

Mr. *Erskine*. We have been entertained here so many days, and we, who are Counsel for the prisoner, having been only dismissed from the Court to have that rest which nature requires, and without having an opportunity of looking at these different papers which constitute the great body of evidence in the cause, I confess I am not so well prepared, nor is it possible I should be, or is it possible for any man to be, to follow the Attorney General in the connection in which he seems to labour in the different documents he has read; but, as far as I can understand it, I take it there is nothing which can connect the prisoner with the proceedings

ceedings in Scotland. First of all, with respect to the letter which the Attorney General has read-----

Mr. Attorney General. I beg pardon, I forgot that we had proved this circular letter actually to have been found in Scotland; and that is a circular letter written after the resolutions, stating, that they are to have a convention of the people, that they have a central situation in view, but which they forbear to mention till they have the answer of the societies.

Mr. Garrow. (To the witness.) I believe we left off with that part of Watt's plan, kindling a fire at the Excise-office and a party of men were to be stationed at the Luckenbooths. That was a paper read to this sub-committee?

A. Yes, there was to be a party of men stationed at the head of the West-bow, and the fire was to draw the military from the Garrison.

Q. Was that from the Castle of Edinburgh?

A. Yes; when they came down past the Bow, the men being stationed at the head of the Bow, they were to come behind them, and the other were to take them in the front; they were to be put between two fires, they were to be enclosed by two parties in these different stations.

Q. What were to be enclosed?

A. The soldiery; this fire was to drive them forth from the Garrison.

Q. What more was to be done?

A. There were different parties, in that paper, were to seize the different banking-houses in Edinburgh; a commissioner to be appointed to go and demand the cash from the banks: that is, as far as I recollect, the purport of that paper which he mentioned at that time.

Q. Who were these different parties that were to be stationed at the bank; of whom were these people to be composed; belonging to what societies or committees were they to be?

A. I could not say; what I thought of his plan was, that he meant the Friends of the People, but at the same time---

Lord President. Did he say who were to be the people that were to execute it?

A. No, I know not one individual that was to execute it.

Mr. Garrow. This plan of Watt's was read in the sub-committee?

A. Yes, but it was drawn up by himself, as I conceived.

Q. Who were there?

A. Mr. Stock, Mr. Watt, Mr. Downie, Mr. Waldron, and myself.

Lord President. Were no more but those five present?

A. No.

Q. Of how many was the committee of Ways and Means composed?

A. Seven,

A. Seven, altogether.

Mr. Garrow. Now when this was read, what further passed in the committee?

A. Nothing further passed. I objected to it immediately; I said I would not agree to any thing that should tend to disturb the peace, or shed the blood of my countrymen, and Mr. Waldron agreed with me: there being that opposition by us two, there was no further comment made upon it.

Q. Do you remember at any other time Watt proposing either the same plan with any enlargement, or any new plan or scheme for any thing else to be put in execution at Edinburgh?

A. I remember his reading a plan the last time I was at the committee at Edinburgh, or thereabouts.

Q. How many persons were present?

A. It was a committee night that the committee used to meet.

Q. When the great committee, or the sub-committee met?

A. The sub-committee.

Q. What was the plan proposed by Watt at that sub-committee, that he read to you then?

A. That was rather a copy of a proclamation. It run thus: prohibiting all farmers, dealers in corn, grain, or hay, to remove the same away from their respective places of abode, under pain of death.

Lord President. Was you present at that meeting too?

A. Yes.

Q. How soon after the first?

A. I cannot recollect; I was five nights at that committee.

Q. How long was this after the other?

A. I think it might be two weeks after the other.

Q. You met once a week?

A. Yes.

Mr. Garrow. What more did this proclamation say?

A. To all gentlemen residing in the country, not to leave their respective habitations for more than three miles, under the same penalty.

Q. What more?

A. That is as far as I recollect.

Q. The proclamation proceeded as far as you have now stated; was there any thing in that address respecting his Majesty?

A. At the back of it was a copy of an address to his Majesty, ordering him to dismiss all his ministers, and put an end to the bloody war, or he might expect bad consequences, or abide the consequence, I am not certain which.

Q. Now, Sir, according to what Watt represented in that committee, when was this proclamation or plan to be carried into execution?

A. He said, I think the paper mentioned also, that a copy of

this address was to be sent off to his Majesty the morning after the attack. I think it run thus.

Q. What attack; that of drawing the soldiers from the Castle?

A. I thought it was only to strengthen his plan that he had read in the former committee.

Q. Was it said, what was to be done with these soldiers when they were drawn out?

A. Make them prisoners.

Q. With regard to this second plan, what passed about it?

A. There was nothing passed upon the second plan; for I said, "Mr. Watt, these things do not belong to the cause of reform, and I will by no means agree to any such a thing."

Q. Had you been a member of the British Convention at Edinburgh?

A. Yes.

Q. I don't know whether you was present at the passing of any of the solemn declarations and resolutions of that Convention?

A. No, I was not.

Q. Do you know a person of the name of Orrock?

A. Yes.

Q. Do you know of any order that Watt gave to Orrock, to form any offensive weapons?

A. Yes; Watt called upon me one day, and asked me to take a walk to Orrock's; when he was there he told him he wished him to make some pikes; and, as far as I can recollect, Orrock drew a model upon the table, upon a slate, or a board.

Q. What was Orrock by trade?

A. A smith.

Q. Did he reside in Edinburgh?

A. Within a mile. Watt said, the one that he had sketched out would do very well; he bid him to be busy, and work, for he had 4000 to send to Perth, besides what he had to distribute about Edinburgh. That is all that I can remember.

Q. Do you know, in point of fact, that Orrock did make some pikes for Watt, in consequence of that order?

A. I only know it since Orrock was in confinement.

Q. Do you know of any being found at Watt's or Orrock's houses?

A. No, I don't know of my own knowledge, I never saw one of them.

Q. Or did you know it from Watt before he was apprehended?

A. Yes.

Q. You mentioned to us a person of the name of Stock; do you remember at the meeting of the committee at which Stock

was

was present, his saying where he was going to?---What was Stock?

A. Stock was one of the committee of Edinburgh.

Q. Where did he say he was going to?

A. He said he was going to London or Bristol.

Q. Did he mention any person in London, in particular, upon whom he would wait?

A. He said he would wait upon Mr. Hardy, by the desire of Mr. Watt.

Q. For what purpose?

A. Watt proposed to send a letter by him to Mr. Hardy.

Q. And for what purpose was he to wait on Mr. Hardy?

A. I cannot say; Mr. Stock said, he would take the letter to Mr. Hardy, and that he would do every thing in his power to establish a correspondence between the two.

Q. What two?

A. Mr. Hardy and Mr. Watt, as far as I can recollect.

Q. Shew us what he did?

A. He took up a sheet of paper, and he marked upon one part of the paper the aristocrats doing so and so, and the other side, the democrats doing so and so.

Q. What was that represented to be for?

A. Mr. Watt wanted to correspond with Mr. Hardy, and Mr. Stock prepared a paper, which he considered as a secure mode of correspondence.

Q. Was there any talk about Mr. Stock calling again upon Watt for a letter?

A. Mr. Watt said, he was to call upon him again the next day.

Q. Did he call?

A. I never saw any thing more of him after that.

Cross-examined by Mr. ERSKINE.

Q. What did you say last---Watt wished to correspond with Mr. Hardy in a safe manner, and Stock had a piece of paper and shewed him a plan of carrying on the correspondence: did Mr. Hardy desire his correspondence?

A. I don't know.

Q. Was you a member of this society of the Friends of the People?

A. I was of the society at the Water of Leith.

Q. What committee was this that Watt and Downie and those people met?

A. It was to be a sub-committee to look into the finances of Mr. Skirving; he had wrote them a letter that he wanted twenty pounds: that is all I know about it; I thought it was for nothing else.

Q. What was the object of your society?

A. Parliamentary reform.

Q 2

Q. What

Q. What number did your society consist of?

A. About twenty.

Q. Was you in the Convention?

A. I was.

Q. How many times; one, two, three, four, five nights?

A. I dare say I might go oftener than that; I might be half a dozen nights there.

Q. Did you ever stay there any time; did you go early in the evening, and stay till it broke up?

A. Yes.

Q. Was you there when it was dispersed?

A. Yes, I was.

Q. During all the time you attended this Convention, did you ever hear any conversation that Watt spoke about at other times?

A. Never.

Q. Would you have joined the society if they had thought of any such thing as seizing the Lord Justice Clerk, and all these people?

A. No, I certainly would not.

Q. What were they met for in the Convention?

A. As far as I could understand it, they were met to obtain a parliamentary reform.

Q. How did you understand from the general conversation and debates of the society that that was to be effected; how were they to set about it?

A. By petitioning.

Q. Don't you recollect that it was said, notwithstanding parliament might be disposed to reject the petitions of a few, yet if a vast number of the people of England were to agree upon a plan, and point out their grievances by petition, they would attend to it; it was more likely to meet with better respect?

A. I don't remember that. The very night that the Convention was dispersed, it was under consideration either to petition Parliament or the King, as far as I can recollect.

Lord President. Had there been any notice given of such a motion?

A. It had been given notice of the night before, as I heard in the Convention.

Q. Don't you confound that with an address to the nation?

A. I don't recollect that.

Mr. Erskine. Have you seen the books lately, or heard them read?

A. No; I never put pen to paper, nor corresponded with any man on the subject.

Q. How many members were there in the Convention?

A. It might consist of near 200.

Q. Had you ever any arms?

A. I never

A. I never saw one.

Q. In any of the debates that took place in the Convention, was it ever proposed that they should arm themselves to overturn the government?

A. I never heard of it.

Q. Was any such thing proposed in the Convention?

A. I never heard any such thing.

Q. Did you ever hear of their sitting to make laws and rules instead of the parliament?

A. No, never.

Q. Did Watt ever say any thing of that sort in the Convention when you was there?

A. I don't know.

Q. As soon as Watt mentioned this plan, you and Waldron rejected it with indignation?

A. Yes.

Q. What sort of people did your society consist of?

A. Working people.

Q. In your society was it ever proposed or debated among you, what I before stated to you, to overturn the government?

A. No.

Q. What sort of reform did you want?

A. Some were for universal suffrage and annual parliaments, and others were for triennial parliaments.

Q. What did you understand by universal suffrage?

A. That the people at large might have representatives.

Q. Was it ever debated whether the King's majesty or his throne should be touched?

A. I never heard that.

Q. Were they to have any alteration in the House of Lords?

A. No, to petition the House of Commons, or the King.

Mr. Garrow. That gentleman has told you, or both of you have told us, what this sub-committee was for. Upon your oath, was not the committee of Union (for the purpose of establishing a new Convention) a Convention of emergency?

A. I cannot say, I never was in it but that night when that letter was read from Mr. Skirving; and the next night I was appointed a member of the sub-committee.

Q. You was a member of the sub-committee formed out of that committee---do you mean to say, that the calling of that committee was only about Mr. Skirving's letter and his finances. Upon your oath, was not the committee of Union established for the purpose of framing a fund for a new Convention?

A. I understood it was only about Mr. Skirving's letter.

Q. Upon your oath, do you not know that your Convention resolved that the delegates were to hold themselves ready to depart at an hour's warning, and to repair to the place of meeting, appointed by a committee of emergency?

A. I have

A. I have heard that mentioned, that they were to have another Convention; that the societies were to get information respecting that other meeting.

Q. Who was to furnish them with that information, the dispersed members of the Convention?

A. I cannot say.

Q. The purpose of this new Convention was only to petition parliament for the purpose of reform?

A. I cannot say as to that.

Q. This gentleman has got you to say, that you had no idea of any arms being used. Upon your oath, how came you to go a second time into Watt's company, after hearing him read the first paper, when he proposed carrying that plan into execution?

A. I thought I should have heard no more of such propositions. I did inform the Sheriff of that unhappy man Watt's propositions.

Q. Did you inform the Sheriff before that second time?

Lord President. Questions must not be asked which might involve the witness. You are leading him into a confession of high treason.

McEwen. My Lord, I am not at all acquainted with any thing of the Court; and I hope your Lordship will protect me.

WILLIAM MIDDLETON sworn---Examined by Mr. GARROW.

Mr. Garrow. Did you search the house of Watt?

A. Yes, I searched the house of Robert Watt upon the 15th of May, who was lately executed at Edinburgh.

Q. Did you find any pikes in his house?

Mr. Erskine. It was after Hardy was taken.

Mr. Attorney General. We shall be able to prove, that the order was given before Hardy was taken up.

Lord President. It cannot be admitted.

The Court then rose, when they were addressed by

Mr. Erskine. My Lord, I stand here placed indeed in a very anxious situation; there has been a most voluminous body of written evidence produced in this case, all of which is not printed; copies of those parts which are printed have not as yet reached me. There has been two days spent in parole evidence, and we being but two, assigned as Counsel for the prisoner, have been obliged constantly to be engaged in Court, in cross-examining the witnesses for the Crown; and your Lordship very well knows, the cross-examination presents, on the part of the prisoner, the great feature of our case, as far as the parole evidence extends, and a great part of that has fell upon me; and your Lordship must be sensible, I could not take very particular notes of what was said. I humbly requested of your Lordship the indulgence of an hour or two, to look over the papers, which your Lordship was ready to grant me. My Lord, I was prevented by indisposition, in an extreme degree, from looking into them; I was so ill,

ill, that nothing but its being a cause of such magnitude would have brought me into this court: so that I can say, with a safe conscience, I have not had an opportunity of casting my eye over any part of the evidence, except that I have, I hope at least, seen what is the general result of it. I hope, from these circumstances, therefore, the prisoner may be indulged with some opportunity for Mr. Gibbs and myself to arrange the papers, and consider them together, before we are called upon to make our defence: and your Lordship observes, it is necessary not for my address to the Jury only, but the prisoner's case in a great deal depends upon that which arises from the arrangement of the evidence, and the consideration Counsel give to that case; and I feel myself in no condition able to do this, either in a way fit for the Court or the prisoner. I don't wish to propose any particular time, but leave it to the justice of the Court, perfectly sure, that in leaving it there, I leave it in the safest place.

Lord President. I feel the weight of your observation, on the difficulty under which you labour: the Court have a disposition to give you the indulgence, but they can't, there is a great mass of evidence. If any part of your case arises out of the evidence, it is fit it should be thoroughly canvassed; at the same time it is certainly notorious, that the great bulk of that evidence has been in print a great while; and I cannot believe that it has not been well considered, so much of it as has been in print. If the question only respected the personal accommodation of yourselves, at the expence of the personal inconvenience of myself and my brothers, I am sure we should be very ready to sacrifice our own personal convenience: but there is a great deal more in the case; a Jury, who have been thrown into the most arduous service that I ever saw or heard of, and have performed it in a manner that does them infinite honour, they will, I have no doubt, from the specimen I have seen, and as far as it is necessary, perform the remainder of it in the same manner; but to give you a suspension of your fatigue, at the expence of keeping the Jury, is a thing that is perfectly impossible for us to think of. Now this occurs, my brothers will consider of it. You are men of honour, and you will tell us whether you really have witnesses; whether you do mean to call witnesses, or to take the case on the ground upon which it is already made. If you mean to call witnesses, you may call them to-morrow; you may go on with the case, to fill up all the time that ought to be filled up, leaving only a part of Sunday, the common interval of rest, without our keeping the Jury in a situation to do nothing. If you do not mean to call witnesses, but mean to leave the case, with the observations that arise upon the evidence that is before the Court, that will alter the case; but if witnesses are to be called, and you desire not to go on, you must immediately begin to examine your evidences, as soon as they have closed, and fill up the time that will intervene
between

between that and the time when you will be ready to go on with your address to the Jury. In that case we shall put the Jury under no unnecessary hardships, because whether they hear the witnesses before or after the speech, is a matter of no importance.

Mr. Erskine. I should be afraid to take upon myself the experiment of trying so great a cause as this, in a manner very different from any known in the annals of this country; and undoubtedly the evidence comes with infinitely more weight, and proper weight, when it is first explained by observations from the Counsel that may be necessary, in order to enter fully into the defence, without which much of the effect of the evidence may be lost and distorted by the cross-examination of the Counsel for the Crown.

My Lord, I do not propose that which can be properly called a suspension of the trial, which is to throw that sort of inconvenience upon the Jury, which, I am sure, would give me as much pain as it would give to them or any one else; but your Lordship will recollect, that the Attorney General (and I am sure I think as highly as possible of the ability of the Attorney General, and the manner in which he performed his duty,) felt it necessary to spend nine hours in the opening of the cause; the prisoner may undoubtedly expect equal time in opening his case, if necessary: and if I were thrown upon that at this moment, not having a sufficient recollection of the principal points of evidence, I might go on reading a great number of papers; whereas if I had but the opportunity of a few hours (that is the nature of my application) merely to arrange my papers, I would select such as, in the judgement of my learned friend and myself, are sufficient for our defence.

Lord President. I dread the explanation of a few hours.

Mr. Erskine. I can only say, I am literally at this moment so extremely unwell, that I don't think if I were to be called upon to speak to any length of time, I can possibly support it.

Lord President. I can easily conceive that to be the case, and it is a circumstance I am extremely sorry for; at the same time I cannot hazard the situation of the Jury. We shall sit late on Saturday.

Mr. Erskine. I am very sorry, but I don't shrink from the business.

Lord President. It is far from my wish to impose upon you more than I can possibly help. What is your explanation of a few hours?

Mr. Erskine declined the appearance of prescribing to the Court, and would be contented with what time they should think proper to afford him.

The Attorney General being asked what further witnesses he had to produce, said, there were only two, and those to points given.

given in evidence before, which might not take more than twenty minutes.

Mr. Erskine was asked whether he intended to call witnesses, or rest the defence on the evidence already adduced. He answered, that he intended to call witnesses.

Mr. Justice Buller observed, that he neither accepted the expedient the Court suggested, nor would mention precisely the time he wished to obtain.

Mr. Erskine. The Attorney General felt it necessary to consume nine hours; I should not consume half that time if I had an opportunity of doing that which I humbly request of the Court; that is, of arranging the materials in such a manner, that I should be able to make those observations that occurred to me as the proper observations as Counsel for the prisoner.

Lord President. I have offered you an expedient.

Mr. Gibbs. I have no doubt in saying, that it is utterly impossible for Mr. Erskine and myself, in the situation in which we are, with respect to ourselves, with respect to the Court, and with respect to the Jury, it is utterly impossible for us to think of that; because, if any thing adverse should happen, when we have taken such a line, the imputation will lie upon us.

Lord President. Whether the case is taken upon the summing up of the evidence, or whether it is taken upon the opening of the evidence, I can see no difference; as to what is the best manner and the best method of laying the case before the Jury, is another difficulty; we are assisting the prisoner by putting his Counsel in that train. Mr. Erskine has not yet told us what he asks.

Mr. Erskine. I shall certainly be contented with what time the Court shall think proper to afford me.

Lord President. Then suppose we adjourn to eleven o'clock.

Mr. Gibbs. We conceive your Lordship will permit Mr. Erskine to open the case, and the witnesses will be heard, and then I shall be heard after the witnesses.

Lord President. You will conduct your case as you think best for the interest of your client.

Mr. Erskine. I should be glad if your Lordship would allow another hour.

Lord President. I feel so much for the situation of the Jury, on their account I cannot think of it.

Mr. Erskine. My Lord, I never was placed in such a situation in the whole course of my practice before, with so many gentlemen on the other side; however, I don't shrink from it.

One of the Jury. My Lord, we are extremely willing to allow Mr. Erskine another hour, if your Lordship thinks proper.

Lord President. As the Jury beg it for you, I will not refuse you.

The Court then, at half past one o'clock in the morning, adjourned to twelve.

[End of the Fourth Day.]

SATURDAY MORNING, NOVEMBER 1, 1794.

THE Court met, pursuant to adjournment, at twelve o'clock.

PRESENT,

| | |
|--|---------------------|
| LORD CHIEF JUSTICE EYRE, LORD PRESIDENT, | |
| LORD CHIEF BARON, | MR. JUSTICE BULLER, |
| BARON HOTHAM, | MR. JUSTICE GROSE. |

The *Attorney General* observed, that he was now going to prove a paper which was found in the possession of Martin and Thelwall, and also another paper found in the possession of Mr. Martin, being the hand-writing of Mr. Martin, both printed in the Second Report of the Secret Committee, p. 18. These papers were found after the apprehension of Hardy, but he should prove that they existed long before that period.

Mr. *Gibbs* said, that these papers were never made use of; they were simply in their custody, independent of observation. The admission of it in evidence directly contradicted the rule their Lordships had laid down not to receive any document found after the apprehension of Hardy.

The *Lord President* observed, that the only ground of the rule is, that being found afterwards, it possibly might not exist previous, and therefore was no proof that the prisoner was a party to it. But if they remove that objection, and shew that in fact it did exist before his apprehension, the objection exists no longer.

The *Attorney General* replied, that there was a meeting held in consequence of these papers, which constitutes a direct act. Thelwall and Martin were appointed to draw up the mode of the meeting.

The *Lord President* then observed, that that went more to the effect of the evidence than the admissibility. The objection was removed, and they must be received.

JOHN SCHAW sworn---Examined by Mr. BOWER.

Q. Mr. Schaw, what are you?

A. A King's Messenger.

Q. Look at that paper; (a paper shewn him) where did you find it?

A. In Mr. Thelwall's apartments.

Q. What day?

A. The night of the 13th of May.

Mr. *Gibbs*. What day---the night of the 13th or the morning of the 14th?

Mr. *Gibbs*. This is certainly an informal mode of proceeding. I conceive that these papers cannot positively attach to Mr. Hardy, as they were found subsequent to his being taken into custody. (The papers were admitted.)

JOHN

JOHN NOST *sworn*.---*Examined by Mr. BOWER.*

Q. What are you?

A. One of his Majesty's Messengers.

Q. You apprehended Mr. Martin?

A. Yes.

Q. Look at that paper; (*a paper shewn him*) where did you find it?

A. On the 27th of May, in Mr. Martin's possession.

WILLIAM WALKER *sworn*.---*Examined by Mr. -----*

Q. (*A paper shewn him.*) Do you know in whose hand-writing that is?

A. Mr. Martin's.

Q. You have seen him write?

A. I have.

Q. (*Another paper shewn him.*) Whose hand-writing is that?

A. I believe it to be Martin's.

Mr. Gibbs. Did you ever see Mr. Martin write?

A. Frequently.

Q. I believe you did live in the Adelphi?

A. I did.

EVAN EVANS *sworn*.---*Examined by Mr. ATTORNEY GENERAL.*

Q. Shew the witness those letters.---Mr. Evans, were you ever confined in the King's Bench prison for debt?

A. I was.

Q. When did you leave it; how long ago?

A. It is six or seven months ago since I left the King's Bench.

Q. What day was it?

A. The 31st of July, thereabouts, I believe.

Q. How long were you there before you left?

A. I was there nearly two years for debt.

Q. Did you know John Martin there?

A. I did.

Q. Was he a prisoner there?

A. He was.

Q. Do you remember, while you was in the King's Bench, these papers?

A. I do recollect seeing them in the possession of Martin.

Q. When was it you saw them?

A. I believe it was in the beginning of April, about the 7th.

Q. Look at the top of that paper, and see whether it was before the day of the month there mentioned?

A. It was before that time.

Q. Had you any conversation with Martin about it?

A. I had.

Q. Had you at the time you saw it?

A. I had, at that time in April.

Q. What passed at that time between you and Martin?

R 2

A. Martin

A. Martin told me, that he had wrote the resolutions for th meeting at Chalk Farm; he had a copy of them, and read them feveral times in the room.

Q. Look at the papers, and tell my Lord whether they are the letters that he read?

A. I can tell they are the same.

Q. Are you fure they are the letters?

A. I am fure.

Q. What did Martin fay of them?

A. He faid that he had prepared the resolutions, and that he had put plenty of Cayenne pepper into them; and if they would follow his advice, there would be warm work before the month of May was out.

Q. Did one Pearce come there?

A. Yes; he took the resolutions to Chalk Farm?

Mr. Gibbs. How do you know that?

A. Martin told me fo.

Mr. Attorney General. Was one Mr. Tourle there?

A. He was there one night.

Q. Was your wife with you in prifon?

A. She was.

Q. Did they fee the papers as well as you?

A. My wife faw them.

Q. Did they hear the declarations as well as you?

A. Yes.

Cross-examined by Mr. GIBBS.

Q. What are you, Mr. Evans?

A. I was formerly a grocer,

Q. Was you in the King's Bench for debt?

A. Yes, I was,

Q. Had you any difference with Martin about a room in the prifon?

A. We had a difference, which took place in converfation.

Q. Had you any quarrel?

A. None.

Q. Did you utter no threats againft him at any time?

A. No.

Mr. Attorney General. Was there a man of the name of Gay in the King's Bench while you were there?

A. There was.

Mrs. EVANS sworn.---Examined by Mr. ATTORNEY GENERAL.

Q. You are the wife of the gentleman that gave evidence juft now?

A. Yes.

Q. You ufed to attend your husband in the King's Bench prifon?

A. I did; I went backwards and forwards to him,

Q. Do

Q. Do you know Mr. Martin?

A. Very well.

Q. Did you ever see these papers before? (*some papers shown her.*)

A. Yes, I have.

Q. Where may you have seen them?

A. In the King's Bench.

Q. In whose room or possession?

A. In Mr. Evans's room, in Mr. Martin's possession.

Q. When was it, the month before or after that they are dated?

A. It was in that month.

Q. Did it happen that you heard Mr. Martin say any thing respecting these papers?

A. I remember his reading in this paper that it was lawful to take up arms against the King.

Q. Did he say any thing more?

A. Nothing else.

Q. Was there any thing said about Chalk Farm?

A. I heard him say that he had drawn up the resolutions for Chalk Farm.

Q. What did he say about them?

A. He said there was plenty of Cayenne pepper put in them, and there would be very hot work soon if they followed his advice.

Q. Do you remember a person of the name of Pearce coming there, and bringing some of the printed resolutions that had been entered into at Chalk Farm?

A. Perfectly well.

Mr. Attorney General. Your Lordship will observe, Mr. Pearce was the sub-secretary to the London Corresponding Society.

Q. Did Mr. Pearce say any thing at the time he brought them to the King's Bench prison?

A. Yes; he told Mr. Martin that he had a number more, but that he had given a greater part of them away among the men at a coachmaker's in Long Acre; that Mr. Hardy had plenty of them, and, if he wanted any more, he would bring them to him.

Cross-examined by Mr. GIBBS,

Q. Mrs. Evans, what resolutions were those that Mr. Martin spoke of?

A. For the meeting of the London Corresponding Society to be held at a dining-room in Store Street, Tottenham Court Road.

Q. These papers that you speak of, you swear that they are the same?

A. I had them in my hands at that time.

Q. Pray

Q. Pray, madam, you don't mean that they were copies of these papers that you saw in the possession of Martin, that Pearce said he had given among the coachmakers?

The *Lord President* observed, that those found on Martin and Thelwall were not the precise resolutions read at Chalk Farm, but that these resolutions produced were drawn up by Martin for that purpose, in which, afterwards, some alterations were made.
THOMAS TOURLE sworn.--Examined by Mr. ATTORNEY GENERAL.

Q. You had the misfortune to be in the King's Bench, I believe?

A. Yes.

Q. Do you know Mr. John Martin?

A. I never knew him before he came into the King's Bench; I have seen him frequently there in Mr. Evans's room.

Q. Did you ever see this paper? (*a paper shewn him.*)

A. No.

Q. Did you ever hear Martin say any thing about Chalk Farm?

A. I did one evening, when I called in Mr. Evans's room.

Q. What month was it?

A. It was three or four days before the Chalk Farm business.

Q. Will you state what you heard about the Chalk Farm business by Mr. Martin?

A. He asked me if I ever heard any thing of it, and he said he had drawn up the resolutions for that meeting, and if they followed the advice of the resolutions there would be warm work, and he had put plenty of Cayenne in them.

Q. Was there a man of the name of Gay in the prison at the time?

A. Yes.

Q. He and Mr. Martin were pretty much together?

A. Yes.

Q. Did you see Pearce there?

A. Yes, I have seen him two or three times.

Q. You had no occasion to observe any communications between them?

A. No, I had not.

Mr. Attorney General. I beg of your Lordships and the Jury, not only to attend to what is written in the paper, but what is struck out.

(*Read by the Clerk of the Court.*)

" At a General Meeting of the London Corresponding Society, held at _____ on Monday the 14th day of April, 1794:

" Citizen _____ in the Chair,

" Resolved, That all Sovereign, Legislative, and Judicial Powers, are the Rights of the People; and though the people have

have delegated those their original powers to others, *in trust*, for the benefit of the Community, yet the rights themselves are reserved by the People, and cannot be absolutely parted with by the people to those persons who are employed to conduct the business of the State.

“ Resolved, That the Constitution of England is held by the King, Lords, and Commons, and other Officers appointed by the People, *in trust*, for the benefit of the People; and though these Trustees may regulate and improve the Constitution, yet they cannot alter or subvert it without committing treason against the nation.

“ Resolved, That *Magna Charta*, or, THE GREAT CHARTER OF THE LIBERTIES OF ENGLAND, made in the reign of King John; THE PETITION OF RIGHTS, assented to by Parliament in the reign of King Charles the First; and the several laws made at and in consequence of the *Glorious Revolution* in the year 1688, are declaratory of those parts of the Constitution of England, which are in and by them respectively declared.

“ Resolved, That the office of KING of England was not instituted by the people merely as an office of Profit and Honour to the King; but he was so appointed as chief Trustee and Guardian of the Constitution and Rights of the People; and that important and laborious personal duties are annexed to the Regal Office, the objects of which are, to promote the good of the people, and preserve their rights in full vigour from innovation and corruption.

“ Resolved, That it is the duty of the King to preserve the Constitution of England and the Rights of the People against every encroachment; and, in order to enforce that duty, the following oath is required to be taken by every King on his Accession to the Throne of Great Britain; to wit, The Archbishop or Bishop shall say---‘ Will you solemnly promise and swear to govern the People of this Kingdom of England, and the Dominions thereto belonging, according to the Statutes in Parliament agreed on, and the Laws and Customs of the same?’ The King or Queen shall say, ‘ I solemnly pronounce so to do.’ Archbishop or Bishop---‘ Will you to your power cause law and justice in mercy to be executed in all your judgements?’ ANS. ‘ I will.’

“ After this, the King or Queen, laying his or her hand on the Holy Gospel, shall say---‘ The things which I have before promised I will perform and keep; So help me God:’---and then shall kiss the book.

“ Resolved, That his present Majesty King George the Third, on his accession to the Throne of these Realms, did solemnly take the said oath.

“ Resolved, that the Constitutional rights of the people have been violated, and that it is the duty of the people, in the present

sent crisis, to assemble and inquire into the innovations or infringements which have been made upon the rights of the people, and how far the declarations of the Constitution, as they were settled at the aforesaid Revolution, remain in force, and which of them have been violated, and by whom; and also whether such innovations, infringements, or violations, have been committed from the negligence or corruption of those who have been trusted with the Government of the State.

“ Resolved, that this Society do invite the people to meet in their respective neighbourhoods, to elect one or more person or persons as Delegates to meet in a Convention, to be held on the day of next, at such place as shall be appointed by the Secret Committee of this Society, and that the delegates so elected do forthwith transmit to the Secretary of this Society, No. 9, Piccadilly, London, the vouchers of their several elections; in order that the place of meeting may be duly notified to them.

“ Resolved, that it is the Right and bounden Duty of the People to punish all Traitors against the Nation, and that the following words are now not a part of the Oath of Allegiance; to wit, ‘I declare it is not lawful, upon any pretence whatever, to take arms against the King.’”

JOHN EDWARDS *was again called.*

Q. You attended the meetings of the London Corresponding Society?

A. Yes.

Q. Look at that paper; (*a paper shewn him*) were papers of that sort distributed in your society?

A. No, I never saw them distributed, but I saw one handed about to the division that I belonged to at Snow Hill.

Q. How long ago?

A. About nine months ago.

Q. Did you ever see any more of them?

A. No, but that one.

Q. What division did you see it in?

A. At Mr. Scotney's, Snow Hill, division No. 11; it was similar to this.

Mr. Gibbs. Does your Lordship think that it is sufficient evidence, that it was a similar paper?

Lord President. Certainly it is.

(*Read by the Clerk of the Court.*)

“ Gentlemen, you are told by those who are in office, that you are in danger of a French invasion. You are told by those who are out of office, that you are in danger from Hessians and Hanoverians. In either case, arms will be of use to you; get arms, and learn the use of them.”

WILLIAM MIDDLETON *called in again.*

Q. Did you at any time find any pikes in the house of Orrock in Edinburgh?

A. Yes;

A. Yes; on the evening of the 15th of May last I searched his house.

Q. How many did you find there?

A. I found thirty-three finished ones there.

Q. Were these blades and shafts?

A. No, only the blades.

Q. Did you find any in the possession of any other person?

A. Yes, the same day, in the house of Robert Watt, twelve at one search and four at another, and one shaft.

Mr. *Gibbs* objected to this testimony, as they were found after the apprehension of the prisoner.

Mr. *Attorney General*. We have proved that a circular letter was sent by Mr. Hardy, and that an answer was written to Mr. Hardy, and found in Mr. Hardy's possession.

Mr. *Garrow*. We submit to your Lordship that it is evidence to go to the Jury, that it was in the possession of Mr. Watt, antecedent to the apprehension of Mr. Hardy.

Mr. *Gibbs*. It seems to me that their being ordered before the apprehension of Mr. Hardy, does not make it evidence; they being found in the possession of this man after the apprehension of Mr. Hardy, it certainly will not be evidence to go to the Jury.

Lord President. You will be at liberty to insist that the execution of the order afterwards does not personally affect Mr. Hardy.

Mr. *Gibbs*. I do not mean to admit that the order was Mr. Hardy's.

Mr. *Garrow*. (*To Middleton*.) Now as to Watt's at Edinburgh, how many pikes did you find there?

A. At the first search I found twelve blades without handles, and afterwards four more and one shaft.

Q. What was it that carried you to Watt's house?

A. I went to search for bankrupt's effects, and found these pikes.

Q. In what part of Watt's house did you find them?

A. In the lower part of the house, in a locked-up press in his dining-room.

Q. Did you deliver them to the office of the Sheriff Clark?

A. I did; I found twelve the first time and four the second time; at the second time I found a shaft.

Q. Were the shafts and blades united?

A. The manner in which they were attached was with a screw, and they fitted one another exactly.

Q. Who was with you?

A. Mr. Lockhart.

Edwards. My Lord, I beg leave to say a few words.

Lord President. Is it to change any thing you have said?

A. No, to explain. Mr. *Garrow* asked me, if I had received an address from Mr. Hardy; it is true, I did, and there was a

meeting to have taken place. I would wish to let the Jury know that meeting did not take place, no money was put down, and no order was sent to Sheffield.

Mr. Attorney General. When did you first see Hillier's pike?

Lord President. The witness came forward to explain something in his evidence, and I think it is not right he should be examined again.

Mr. Garrow. Will not your Lordship think it right to ask him who he has talked with since?

Lord President. I don't think it necessary; the explanation is to be received with abundant caution. Undoubtedly the practice we have slid into of permitting accounts of impending trials to be given, is certainly a very inconvenient practice, as it may lead to conversation out of doors with the witnesses. The Jury are to understand that the explanation is made in that way; they will form their judgement upon it.

WILLIAM LOCKHART sworn.---Examined by Mr. GARROW.

Q. You are Sheriff Clark's depute for the county of Edinburgh?

A. Yes, I am.

Q. Did you go with the last witness, Middleton, to the house of Orrock?

A. Yes.

Q. And to Watt's house?

A. Yes.

Q. Was you present at the finding any blades for pikes at Watt's house?

A. Yes.

Q. Where did you find them?

A. I found twelve in a locked-up press in his dining-room; and in a second search the same day I found two pike blades, two battle-axes, and a pole.

Q. Did you make any trial whether the blades and the pole would fit each other?

A. Yes; they fitted exactly.

Q. Where did you deposit the things you found there?

A. In the Sheriff Clark's office.

JAMES CLARK sworn.---Examined by Mr. GARROW.

Q. I believe you are the Sheriff of Edinburgh?

A. Yes.

Q. Did Mr. Lockhart deposit this box with things in your custody?

A. Yes, and they have been kept locked up by me from the time they were found, except the time of the trials at Edinburgh, when they were produced to the last witness.

Q. They have been constantly under your care?

A. Yes, they have.

Q. (To Lockhart.) Did you return them in the same state as when you received them?

A. They

A. They were.

Q. (*To Clark.*) Where have you kept them?

A. In a lock-up press ever since.

Q. Are these the same?

A. They are.

Q. Mr. Sheriff, can you tell us whether a person of the name of Stock resides in Edinburgh still, or has he absconded?

A. Every possible search has been made for him, and we have not been able to apprehend him. (*The box, containing two pike blades and battle-axes, were produced in Court.*)

Mr. Garrow. In order to putting the head of the battle-axe upon the pole, you took off a something; what is that?

A. It forms a short handle to it, that it may be used either with the pole or without.

Mr. Attorney General. I shall now shew the appointment of Mr. Gay, as a member of the Constitutional Society.

(*Read by the Clerk of the Court.*)

“At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, in the Strand, Friday, 15th of March, 1793; Captain Tooke Harwood in the Chair: Mr. Gay, of Duke Street, St. James’s, was proposed by Mr. Tooke, and seconded by Mr. Bonney.”

“At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Friday, 22d March, 1793; Mr. Symonds in the Chair: Mr. Gay, Mr. Cullum, and Mr. Thomas Fawcitt, were elected members.”

Lord President. Does it appear that the Mr. Gay, of Duke Street, St. James’s, is the Mr. Gay who was in the King’s Bench prison?

Mr. Garrow. I will call a witness to that, my Lord.

Q. (*To Evans.*) You mentioned a person of the name of Gay in the King’s Bench prison?

A. Yes.

Q. Where did he live before he went there; was it in Duke Street?

A. I believe it was, but I cannot say.

Mr. Attorney General. We here close our evidence on the part of the prosecution.

[*End of the Evidence for the Crown.*]

PRISONER'S DEFENCE.

The evidence being closed on the part of the Crown, a more than common anxiety manifested itself in the Court; and Mr. Erskine being arrived in his place about a quarter after one o'clock, he arose and addressed himself to the Court in a Speech which lasted for six hours, as follows.

S P E E C H
OF
THE HON. THOMAS ERSKINE,
IN DEFENCE OF
THOMAS HARDY.

May it please your Lordships---Gentlemen of the Jury,

BEFORE I proceed to discharge the very momentous duty cast upon me to-day, I desire, in the first place, to return my thanks to the Court for having adjourned their proceedings to an hour which has afforded me an opportunity to take that necessary refreshment which nature demanded, and of looking a little at the evidence which has been given in this cause. I have also to thank you, Gentlemen of the Jury, for the very condescending and obliging manner in which you at once assented to an adjournment so essential to my accommodation, and to my being at all qualified to the task in which I am now to be engaged.

Gentlemen, before I proceed to the consideration of the case, either as it regards the law or the evidence, I wish to put aside all that I find in the speech of my learned friend the Attorney General, that is collateral to the question, and in which I am perfectly agreed with him: and therefore, first, in the name of the prisoner, and uttering his sentiments; and secondly, for myself, as I agree with him in the sentiments, which are well known to be my own, I desire to subscribe to all that eulogium which he pronounced upon the constitution of our fathers; to all that praise which he bestowed on the law and constitution of England, because it was that which every good man must wish to hear.

But, Gentlemen, having premised this genuine expression of our feelings, I trust not less sincere than those which dictated the panegyric of the Attorney General, what is it, I will ask, that entitles the constitution to that eulogium he so justly bestowed upon it? What renders it the object of our love and reverence? I will not go at present into that, which, most undoubtedly, is a very essential part of it, the share the people have in making their own laws by their representatives: I speak of that equal protection in the language of my learned friend which the laws of England offer to all, and the security which men have under its impartial administration of justice. The second observation which my learned friend made, and upon which he seemed to lay
great

great stress, was, to descant upon and deplore the anarchy and calamities that prevail in France. I may, before I sit down, have occasion to trace, with some accuracy, the causes of such events. No man, I am sure, can lament those calamities more than I do; but, waiting for the season for such observations, let us consider what the evil is that we have to deplore, or rather that the people of France have to deplore, and which the Attorney General so truly lamented: it is that, under the dominion of a barbarous state necessity, all law is at an end. No man can say that his life, his liberty, his reputation, or any one blessing for which men enter into civil society, is secured to him for one moment, if he be accused of federalism, moderatism, or incivism; or whatever the cry of the day may be, the accusation is instantly followed by the sentence of the Revolutionary Tribunal; following quickly each other, as the thunderbolt pursues the flash of lightning. The moment a man is arrested for any crime against the state, he can see his family no more. Such is the state of France, and such, as I have before described it to be, is the state of England.

But what is the inference to be drawn with respect to the present case? Alas! if this prosecution be brought, which I take it for granted it is, to avert from Great Britain those horrors and calamities we have been lamenting, which might arise from confusion and anarchy; if it be to continue the blessings we enjoy under our happy constitution, I call upon you to let my client share in the blessings: I call upon you to avert such calamities from falling upon the head of the unhappy man at the bar; let him not suffer under those general expositions of tyrannical laws, tyrannically executed; let him not be rashly hurried away to execution for an honest and well-meaning enthusiasm for the constitution, as if you were desirous to insure its preservation at any price: for, I believe, in former instances in the history of this country, in which we have to lament the murdering of innocent persons under legal pretences, which have brought reproach upon counsellors of state, have often happened more from the mistaken, but honest zeal for the constitution of their country, carrying them beyond the line, than from that brutal ferocity which is imputed to men deservedly. So much for that.

It is necessary, then, that you, Gentlemen of the Jury, should guard against this source of delusion and injustice; and if this prosecution is brought for the preservation of the present law and constitution, I ask, what is there in the law and constitution of this country for the unfortunate person at the bar? I call upon you to administer the law to him in its strict and rigid letter, that he may say, if you have occasion to decypher my conduct, if you think me indiscreet, if you may think me rash; nay, if (but I have no fear of that in the sequel) you may think me wicked, I claim, as a subject of England, to stand upon the law;

law; and if my conduct, or the conduct of those with whom I have been connected, is likely to bring any evil upon the state, which I did not see before, let parliament seek a remedy for that evil; but let me hold my life under the law. It must be proved to your satisfaction, that he has offended against the statute under which he is indicted. He holds his life by the law, and by the law he demands to be tried. I therefore ask a fair and impartial trial. I ask it in the most solemn manner of the Court, whose justice, I am persuaded, will be administered in mercy. I ask, if possible, more emphatically, of you, Gentlemen of the Jury, who are called upon, on your oaths, to deliver your countryman from the charge. Lastly, I implore it of him, in whose hands are all the issues of life, whose just and merciful eye extends itself over all the transactions of mankind; without whose permission a sparrow does not fall to the ground, and at whose command nations rise or fall. I implore him, and I speak with all the sincerity that is possible; I implore him, and I believe it without superstition, that he will fill your minds with a spirit of justice and truth, that may enable you, with the assistance of the Court, to find your way through this labyrinth of evidence before you, such as never exhibited itself in a Court of justice before; a labyrinth, in which no man's life was ever before involved, and the like of which is not to be found in the whole history of British trials, nor, indeed, in the universal annals of human justice or injustice; and give you an opportunity, therefore, to do justice between the Crown, the Country, and the Prisoner at the bar.

Gentlemen, the first thing in order to be examined is the bill of indictment, and it charges, "That the prisoner, together with others, maliciously, traitorously, and with force and arms, did, amongst themselves, and other false traitors, conspire, compass, and imagine to incite insurrection, rebellion, and war, against the King; and to subvert the legislature, rule, and government of the kingdom; and to depose the King from the royal state, the power and government of the kingdom; and to bring and put our said Lord the King to death." And then goes on, "And to fulfil, and perfect, and bring to effect, their most evil and wicked treason, and treasonable compassings and imaginations aforesaid, viz. to bring and put the King to death; they met, conspired among themselves, and other traitors, to the jurors unknown, to cause and procure a convention and meeting of divers subjects to be assembled within the kingdom, with intent."

Gentlemen of the Jury, I have observed you extremely attentive in taking the evidence in the course of the cause; allow me, then, to call your attention, particularly to what is the substance, and what also the form of the charge is, "With intent, and in order that the persons so assembled at such convention and meeting, should and might, traitorously without, and in defiance of, the

the authority, and against the will of parliament, subvert and alter, and cause to be subverted and altered, the legislature, rule and government of the country; and depose, and cause to be deposed, our Lord the King from his royal state, title, power, and government thereof."

Gentlemen, this is the first overt act which is laid in this indictment; the charge upon which is, "That the prisoner conspired the death of the King; and in order to accomplish that wicked and detestable purpose, and in order to fulfil that traitorous intention of mind, did those overt acts which are charged upon this record," one of which I have already mentioned; and another, is the providing of arms; which arms were also to be used in order to carry on this traitorous design in order to depose, and put and bring the King to death.

And here, Gentlemen, two things occur for consideration, and which are absolutely necessary, in order to establish the guilt of the prisoner under this charge: first, what the prisoner at the bar did; what share he had in assembling a convention: secondly, what that convention was to do; whether it was to subvert the rule and order of government; to assume all the functions of it; to put down the King's majesty; to depose his government; and, whether, after all that, you find that he did this in fulfilment of that wicked and traitorous intention which constitutes the crime. For, if a man does an act in fulfilment of an intention, his mind must first conceive the intention, and when his mind conceives the wicked and detestable intention of destroying the constitution of his country---of destroying the life of the King; it is the intention that passes through the mind that alone attaches guilt to the act. If, therefore, you should be satisfied with respect to the guilty intention, the next question is, whether the acts charged upon this record, against the prisoner, were done by him; and whether, if they were done by him, he did them in pursuance and in fulfilment of the traitorous intention charged.

Now, Gentlemen, the first question, most undoubtedly, for your consideration is, a question to which I must ask and implore the attention of the Court, and of the Attorney General. I mean, what the law is upon this momentous subject; and, Gentlemen, recollecting that, as I shall not have long to live, and that I am not likely to be a person of any authority, I shall not presume to offer you any thing of my own; all I have to say upon this part of the case is merely introductory, that you may understand the authorities which I shall produce in the course of the cause. I shall not be suspected, I am sure, of standing up to oppose my judgement to the judgement of that most excellent and venerable Judge, Lord Hale, whose memory will exist in this country as long as the administration of pure justice can exist; neither do I wish to oppose any thing in the other authorities stated by the Attorney General, because it is not necessary for the case of my client

client at all; nor should I reap much benefit from the Court if I were set up in opposition to them; my observations are to be consistent with those authorities.

Gentlemen, my honourable friend, for so I often have called him, and so I will continue to call him, has not cited cases which have been the disgrace of the justice of this country in former times; he has not stated any of those foul murders which have been committed under the colour of law; but I think his remarks were founded upon grave and reverend authorities of law. Gentlemen, I confess that I draw from those authorities, and from the whole administration of justice in the country, a very different deduction; and, as far as I am able to discover, the difference that has arisen between us, has been rather a tripping of expression than any material difference.

But, Gentlemen, before I begin, I have only to say this, when I speak of deposing the King, which I have more particularly in view, I beg you to understand that it is necessary for you to guard against those constructions of treason which are supposed to exist in this cause; because, unless you do guard against them, I shall lay this commentary of my Lord Hale and Sir Michael Foster as much out of the question as if there had been no trial at all.

Gentlemen, I dare not proceed without remarking, that I stand here in a very delicate and critical situation; it is not this case only, but there are men who stand behind, whose trials are to come on afterwards, involved in this question, and therefore it will be necessary to take a large field, in order that the law may be understood in the outset.

As trial is nothing more than the application of facts disclosed in evidence to a rule of human action or conduct, the breach and violation of which constitutes the charge, the preliminary discussion must tend to discover what the law is, and what is the breach of it which the prisoner is called upon to answer. To do this as becomes me, upon so solemn and awful an occasion, I must resort to the history of the country, to the records of the law, and to the authoritative writings of the most learned men upon the subject of high treason. In doing this, it is not my desire, as I have before declared to you, Gentlemen of the Jury, to press upon you any theories or opinions of my own, but to extract, by legal reasoning, from those unerring sources, the law of the land upon the subject.

Gentlemen, in keeping my word with you, I hope, that if his Lordship finds me wandering from the question, he will have the goodness to call me back to it, that I may have nothing to do but to go on step by step. As to the crime of high treason at common law, before the statute of the 25th of Edward III. upon which the present indictment and every indictment must now be formed, little need be said concerning it; and I shall dismiss the consideration of the common law on the subject of treason, with

the observation of that great and venerable Judge, Hale, whose memory will last as long as Law or Constitution shall remain to Englishmen. And, Gentlemen, you will understand, that when I look at this paper, I am reading from it. It is a paper which I have transcribed with my own hand, and the Attorney General will find, that Lord Hale says, that "At common law there was great latitude in raising offences to the crime and punishment of treason; by way of interpretation and arbitrary construction, which brought in great uncertainty and confusion; accroaching (i. e. encroaching) on royal power (before the statute of Edward III. upon which this trial is founded) was an usual charge of treason antiente, though a very uncertain charge, so that no man could tell what it was, or what defence to make to it."

My learned friend; with the candour that belongs to him, stated the very passage to you that I am now commenting upon. Lord Hale goes on, and states the various cases of oppression, and the cruel sentences that took place, and concludes with this observation: "By those and the like instances that might be given, it appears how arbitrary and uncertain the law of treason was before the statute 25th Edward III. whereby it came to pass, that almost every offence that was, or seemed to be, a breach of the faith and allegiance due to the King, was, by construction, and consequence, and interpretation, raised into the offence of high treason." This is the lamentation of my Lord Hale, that upright worthy Judge, of the state of this country, before this statute was made to remedy this inconvenience; he then says, that the statute was made to remedy that inconvenience: and my Lord Coke, in his third Institute, says, "The Parliament that passed this statute was called, as they well deserved, *Parliamentum Benedictum*, the Blessed Parliament." And the like honour was given to it by the different statutes, which, from time to time, brought back treason to its standard, all agreeing in magnifying and extolling this blessed act.

Now, Gentlemen, this statute which has had the panegyric of such great men, which my Lord Hale and my Lord Coke have spoken of with such respect, and which the Attorney-General for the Crown has spoken of with the same respect and reverence with which those great men in their different times have spoken of it, would very little have deserved that eulogium, if it had not taken care to make use of and preserve such expressions as could not be misunderstood or mistaken. For, to say that a statute is to be called a blessed statute, because its object was to prevent the miseries that had fallen upon the country with respect to high treason, and yet be drawn in such a foolish and huddled manner as to be unintelligible, as rather to give birth to, than destroy the mischiefs it was proposed to remedy, would do little credit to the Judges who bestowed such panegyrics upon it.

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But, Gentlemen, the statute made use of terms that could not be mistaken; terms, that were well understood in the common law of England; not less understood than the term *seisin* or *disseisin*, or any one term in the law, which there is not a Judge, a Counsel, an Attorney, or an Attorney's Clerk, who does not understand it: but I must take care that I give you nothing of my own. Mr. Justice Foster says, and Mr. Justice Foster again candidly stated this passage, which will entitle me at once to put aside all his observations that go at all in opposition to that passage, that, by the ancient common law of the country, compassing the death of any man, (not the King,) though you do not accomplish your object, was felony: the law considered, that the non-accomplishment of the object frequently arose more from disappointment, than from any merit to the man whose purposes were wicked, and they put the intention for the deed. You will find the ancient books full of cases of compassing the death of a subject. Then, says Mr. Justice Foster, in order that the statute of treason might be certainly and perfectly understood, it made use of the word compassing the death. I will read the words. Mr. Justice Foster says, "The ancient writers, in treating of felonious homicide, considered the felonious intention manifested by plain facts, not by bare words of any kind, in the same light, in point of guilt, as homicide itself. The rule was, *voluntas reputabatur pro facto*, the will is considered as the deed; and while this rule prevailed, the nature of the offence was expressed by the term compassing the death. This rule (I am still reading Mr. Justice Foster) this rule has been long laid aside as too rigorous in the case of common persons; but in the case of the King, Queen, and Prince, the statute of treason has, with great propriety, retained it in its full extent and rigour; and, in describing the offence, has likewise retained the ancient mode of expression. When a man doth compass or imagine the death of our Lord the King, or of our Lady his Queen, or of their eldest Son and Heir, and thereof be *provablement*, that is, provably upon sufficient proof, attainted of open deed by people of his condition." He goes on and says, "The words of the statute descriptive of the offence must be strictly pursued in every indictment for this species of treason. It must charge, that the defendant did traitorously compass and imagine the King's death; and then go on and charge the several acts made use of by the prisoner to effectuate his traitorous purpose. For, the compassing the King's death is the treason, and the overt acts are the means made use of to effectuate the intentions and imaginations of the heart; and therefore, in the case of the regicides, the indictment charged that they did traitorously compass and imagine the death of the King; and the taking off his head was laid, among others, as an overt act of compassing his death; and the person who was supposed to have given the mortal stroke

was convicted on the same indictment." Surely, there could be no doubt of his being well convicted of the intention, when he had done the act, which, to every man of common sense and common reason, shews he must have had the intention to do.

Now, Gentlemen, I will call you to my Lord Hale. Gentlemen, when I came to see all the manuscripts of my Lord Hale, which I was favoured with by a learned gentleman at the Bar, Mr. Hardinge, it is astonishing what his manuscripts are in his own hand, scarcely legible, yet containing the most valuable remarks upon the law of England. Mr. Justice Foster was also a humane and eminent Judge; and Mr. Justice Foster here says, the statute retained the ancient mode of expression; and, if it retained the expression, it must retain the meaning. But in order to make the statute certain, looking back to what felonious homicide had been, taking the intention for the deed, it determined that nothing could be a compassing the death of the King, that would not apply to the case of a common man: and no man approves more highly than I do of setting a hedge about the sacred head of the King, (this is my interpolation,) and binding it with my foot. In the next step, and building upon that authority, I say, that nothing can be a compassing the death of the King under the statute of Edward the Third, which would not, having been previously applied to a common man, have made it a felony: so that the same wicked intention of a man, meaning evidently the death of another man, constituting felony in the law, against the King would be treason. I beg pardon for using my own words, but here comes Mr. Justice Foster. In his discourse of high treason, p. 207, he says, "All the words descriptive of the offence, if a man shall compass and imagine, and thereof be attainted of open deed, are plainly borrowed from the common law, and therefore must bear the same construction they did at common law." Now is not that distinct? I will read it again: "All the words descriptive of the offence, if a man shall compass and imagine, and thereof be attainted of open deed, are plainly borrowed from the common law, and therefore must bear the same construction they did at common law."

Why, Gentlemen, my Lord Coke, (in the same manner when he is commenting on this,) that great oracle of the law, and the best oracle that can be consulted on the statute of treason, when one stands up for a prisoner, because, of all the prerogative lawyers that ever existed, Lord Coke was the man; and his disgraceful, contemptible conduct as Attorney General, in the case of Sir Walter Raleigh, will go down with him and tarnish all his honours; and my honourable and learned friend, the present Attorney General, though his writings may not, he will go down to posterity with more *eclat* than Lord Coke, with all his prerogative knowledge, Institutes, &c. But then, Lord Coke is my man, for nobody disputes his authority. In his Commen-
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tary he says, "Let us see first what compassing the death of the subject was before the making of this statute." Lord Coke takes the statute word by word, which is the most accurate way of commenting. The first thing he says is, "Let us see what compassing the death of the subject was before the making of this statute, when *voluntas reputabatur pro facto*, the will was taken for the deed:" thus falling in with the opinion of Judge Foster. "Now what was the English of that? I am going to shew you, the student, you who are to learn the law of the land, what a compassing the death of the King was; but that I cannot do, till I look at the common law, and see what was the compassing the death of a subject, the expression having the same construction as at common law." And then he goes on stating the various sorts of assault, as homicide, murder, attacks on them in the night, assaults also with intent to murder; and then he states, that the crime consists in the traitorous intention.

Notwithstanding the benevolent precision of this statute, it is lamentable to see the departures from it, which mark and disfigure our history. But, at the same time, it should be a theme of consolation to Englishmen, to reflect, that as often as in arbitrary and wicked times it was invaded by servile Parliaments and servile Judges, the justice of better Judges and better Parliaments brought the law back to the ancient standard. These invading statutes and judgements, and their repeals, were indeed decisive of the true construction of the statute.

Gentlemen, the statute of the 25th of Edward III. had expressly directed that nothing should be declared to be treason but cases within its enacting letter.

Gentlemen, having thus got at what I conceive to be the true meaning of the statute, I rather think my learned friend, who is taking notes, will not find much reason to differ with me as we travel on in the cause. Lord Hale says, upon stat. 25 Edw. III. "Yet things were so carried by parties and factions in the succeeding reign of Richard II. that the statute was but little observed; but as this or that party got the better, so the crime of high treason was, in a manner, arbitrarily imposed and adjudged; which, by letting in of constructive treasons, and which, by various vicissitudes and revolutions, mischiefed all parties, first and last, and left a great unsettledness and inquietness in the minds of the people, and was one of the occasions of the unhappiness of that King." Not contented with the statute of Edward III. which had been wisely made, at once for the protection of the King and the subject, extending it beyond that, and wishing to make laws, causing great unhappiness to men. And Blackstone says, "This prince, not contented with the statute of the 25th of Edward III. stretching the laws and carrying them farther than justice called for, (which never produced any good effect to them that stretched them,) within two years after this new law was obtained,

tained, which made the bare purpose and intention of killing and deposing treason, this very prince was both deposed and murdered." Lord Hale says, "All this mischief was produced by the stat. 21st Rich. II. which says, 'That every man that compasses or pursues the death of the King, or to depose him, or refuses to render up his homage, &c. and if that he duly attainted or adjudged, shall be adjudged a traitor of high treason against the Crown.'" This (says Lord Hale) was a snare to the subject, inasmuch that the statute of the 1st of Henry IV. which repealed it, recited, that no man knew how he ought to behave himself, to do, speak, or say, for doubt of such pains of treason; (this is Lord Hale) and therefore wholly to remove the prejudice which might come to the King's subjects, the statute of the 1st of Henry IV. chap. 10. was made, which brought back treason to the standard of the 25th of Edward III."

Now here let us pause.---What was it that the statute of Richard II. did that produced all this misery to the subject? What did it do? How did it enlarge the statute of Edward III.? Compassing and imagining the King's death, was most undoubtedly treason before that; levying war against the King and his realm was also treason by the first branch of the statute of Edward; and, therefore, in this place I will read to you the very first words of the statute of Edward, shewing, that the King's authority is well taken care of by this statute. "Whereas divers opinions have been, before this time, in what case treason shall be said, and in what not; the King, at the request of the Lords and Commons, hath made a declaration, in the manner as hereafter followeth: that is to say, when a man doth compass or imagine the death of our Lord the King, or of our Lady his Queen, or of their eldest Son and Heir," that is one treason: "Or, if a man do levy war against our Lord the King in his realm," and so on, that is another treason: but if every levying of war against the King in the realm was in all cases substantially the same treason as compassing and imagining his death, it would be saying the thing twice over. If a man is charged with compassing the King's death, you cannot produce evidence of his having levied war against the King: not that the poor man at the bar has levied war---no such thing; but if that substantially were to be considered as the treason, and not evidence in some circumstances of the treason, it would have been the most ridiculous statute in the world, if every levying of war against the King is compassing his death: to compass the death of the King, that is one treason, and levying war against the King in his realm, is another description of the treason. But the statute does not stop there; it says, "Or be adherent to the King's enemies in his realm, and giving to them aid and comfort." Then the law goes on still further, and provides for the safety of the honourable men now sitting upon the bench, and makes it high treason to kill them in the execution

execution of their office, but it does not make it high treason to compass their deaths. And if a man was to write a thousand letters, the ultimate end of which is to destroy the Judges in the execution of their office, and it could be proved by a thousand witnesses, it would be no more than a misdemeanour, because it is not treason to compass their deaths. But taking the will for the deed is the great hedge set round the head of the King; and I will tell you why, because the natural life of man requires a great deal more protection than his authority. A man may be beyond sea, and speak these words: "If I can get at the King, I will kill him;" as Crohagan said in Spain---*If I can get at the King, I will kill him*; and when he came to England he was prosecuted. The indictment charged, that he came for the purpose of killing the King, the Jury found him guilty, and he was executed. And a most excellent law it is to preserve the life of the Sovereign, in whom so many valuable advantages are summed up; but it is not so in regard to any attack on his authority, that is sufficiently protected without: because, what signifies an attack on his authority, when surrounded by all the army of the state, and his authority? Therefore the statute of Edward III. does not put a conspiring to levy war upon the same footing as levying war; that was made treason by the 21st of Richard II. If a man rides out and collects men to levy war, that is treason. Men used formerly to go out to tilts and tournaments, and oppose their King; but the legislature knew that the King's authority might protect the King, and therefore they did not consider a conspiracy to levy war as levying war actually. The act says, "If you conspire the death of the King, Queen, or Prince of Wales." Now the Prince of Wales has no political capacity, he is a private man, and yet to compass his death is equally treason with the King's or Queen's. By that it is meant to preserve the succession to the Crown, and guard his sacred person. But is the state still safe? If a man writes a letter to the enemies of the state, then it comes under the treason of adherence to the King's enemies; and the Attorney General will see, as I go on in this argument, that there are undoubtedly conspiracies to levy war, which would afford satisfactory evidence, under some circumstances, of an intention to destroy the King; and wherever an intention to destroy the King's life is proved, then he is a traitor---not for conspiring to levy war, but for compassing the King's death; and his intention of levying war is laid before the Jury as the manifestation of his intention to destroy the King.

Gentlemen, having gone so far, you see the statute of Hen. IV. brought things again to their original standard. It will be always found, that people will sometimes get beyond the mark; sometimes men run too much towards democracy, and sometimes too much towards aristocracy; sometimes the monarchy gets too
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much the head: but such has been the peculiar protection and superintendence of Providence over this happy isle, that we have always been preserved, and all things have come round safe at last; and therefore we must bear a little, and see if we cannot bring things round again.

Gentlemen, the statute of Henry IV. was no sooner made, than it shared the same fate with that of Edward III.---nobody attended to it. One faction overcame another. We had no such Judges in those days as I am now addressing, who were independent in their offices, holding their situations for life; not men so eminently distinguished for their impartial administration of justice; but men of the most dishonourable dispositions, and shamefully dependent upon the Crown. So that we may apply to them the words of the poet:

“ Wash’d from his filth and sophistry in vain,

“ The cur is at his dirty work again.”

For no sooner had the statute of Henry IV. put away the old statutes of treason, than they began to multiply treasons again abominably, when the statute of the 1st of Mary was made, to bring them back again to their original standard; and I will give you that statute, and Lord Coke’s commentary upon it. Lord Coke says, that the statute of the 1st of Mary, was made to repeal all the statutes that had been made in the interval between Henry IV. when Henry IV. brought back that of Edward III. by repealing the statute of Richard II. mowed down every thing against the subject, and brought back the statute again.---Lord Coke says, “ Before this act so many treasons had been made and declared by act of parliament since this act of the 25th of Edward III. some in particular, and some in general, and in such sort penned, as not only the ignorant and unlearned people, but also learned and expert men were many times trapped and snared; and sometimes treasons made and declared in one King’s time were abrogated in another King’s time, either by special or general words, so as the mischief before the 25th of Edward III. of the uncertainty what was treason, and what not, became to be so frequent and dangerous, as the safest and surest remedy was by this excellent act of the 1st of Mary, to abrogate and repeal all but only such---” Be so good as just take down this, if it is not too much trouble: “ but only such as are specified and expressed in this statute of Edward, by which law, the safety both of the King and the subject, and the preservation of the commonweal, is wisely and sufficiently provided for in such certainty, as *nihil relictum est arbitrio judicis*,---in such certainty, that nothing is left to the discretion of the Judges.” You are to take what is set down and specified in the statute, for the statute was made because the Judges went by their constructions beyond the law; and therefore to make a statute to repeal judicial constructions, for them to begin building again, would have been a folly in the legislature;

legislature; a folly, not to be imputed to the statute of Mary, where you would see they are all repealed. He goes on and further says, "And certainly the two rules recited in the preamble of the said act of the 1st of Mary, are assuredly true." Now here are the two rules in the preamble, that ought to be engraved in the heart of every man who loves the King, and who has any share in his councils.--"That the state of a King standeth and consisteth more assured by the love and favour of the subjects towards their Sovereign, than in the dread and fear of laws made with rigorous pains and extreme punishment." And he further says, "The statute of the 1st of Mary speaks a strong language against constructive treasons when it says, it was declared by the whole parliament, that laws justly made for the preservation of the whole commonwealth without extreme punishment, are more often obeyed and kept, than laws and statutes made with great and extreme punishments, whereby not only the ignorant and rude unlearned people, but also learned and expert men, minding honesty, are oftentimes trapped and snared."

Gentlemen, my Lord Hale and my Lord Coke state this statute of Queen Mary, and they, in their turns, make their observations upon it; and there is one part I shall now read from my Lord Coke, to which I pray your most earnest attention, because it will shew, that if that unfortunate man before you is judged upon a species of evidence, such as was never before heard of in England, I will venture to affirm, upon that evidence, that with all the attention you have given it, I defy any one of you to say at this moment of what it consists. It is such that I cannot think of, without trembling for my own life, and for the life of every man in England. I know not how it is possible for me to stand up to defend that unhappy man, being conscious I cannot possibly understand the evidence they have given---evidence that has consumed four days, which has abridged us of the sleep which nature requires, which has kept my mind inflamed with agitation and distress, and constantly taking notes; and the indulgence I have received from his Lordship has only served the purpose of setting my brain on fire, instead of benefiting by the notes I have taken.

Now, see how this tallies with what Lord Coke says; and I think we had better go home and burn our books, and leave our eulogies of these great men to fitter occasions, than preach up their panegyrics, and not give the subject the benefits derived from them. My Lord Coke says this: "It is agreed to be observed (commenting on the word *provably*) *provably attainted*:" for Lord Coke goes on always throughout his works, commenting word by word. Books of science are not made to tickle the ear, but for instruction. He goes on, and states "provably." Now, Gentlemen, you will be so good as to take down these words: "provably, that is, upon direct and manifest

proof, not upon conjectural presumptions;" that is to say, that when you are saying whether a man intended to kill the King or not, he must be provably attainted; you must shew that he intended it, by bringing it home to him in the same manner as if he intended to kill any other man. How is that to be done? "Not upon conjectural presumption, or inferences, or strains of wit, but upon good and sufficient proof. And herein the adverb *provably*, provably, hath a great force, and signifieth a direct plain proof."

Gentlemen, I have almost forgot what a direct plain proof is. It is so long since I have heard any thing that has the smallest resemblance of what is in the ordinary course of the profession called direct plain proof, that I have almost forgot what it is; without which, a man cannot be nonsuited in an action for ten pounds---when another man is to suffer death for the actions and declarations of men he never saw, and whose conduct it is impossible he should know any thing of. He says, "A direct and plain proof; which word the King, the Lords, and Commons in parliament, did use, for that the offence was so heinous, and was so heavily and severely punished, as none other the like, and therefore the offender must provably be attainted; which words are as forcible as upon direct and manifest proof. Note, the word is not *probably*, for then *commune argumentum* might have served, for there, common argument would do."

We have had very uncommon arguments here; but they put the case "provably attainted," to signify the full and unerring force of legal demonstration. Lord Hale treads in the same path with Lord Coke, and says, "Now, although the crime of high treason is the greatest crime against faith, duty, and human society, and brings with it the greatest and most fatal dangers to the government, peace, and happiness of a kingdom or state, and therefore is deservedly branded with the highest ignominy, and subjected to the greatest penalties that the law can inflict; yet, by these instances, and more of this kind that might be given, it appears, 1st, How necessary it was that there should be some fixed and settled boundary for this great crime of treason, and of what great importance the statute of the 25th of Edward III. was, in order to that end. 2dly, How dangerous it is to depart from the letter of that statute; and to multiply and enhance crimes into treason by ambiguous and general words, as accroaching of royal power, subverting of fundamental laws, and the like. And, 3dly, How dangerous it is, by construction and analogy, to make treasons where the letter of the law has not done it; for such a method admits of no limits or bounds, but runs as far as the wit and invention of accusers, and the odiousness and detestation of persons accused, will carry men." That is to say, the legislature, like honest and honourable men,
feeling,

feeling, as all men ought to feel, for the safety of the government, and desirous of punishing any person who may have done any thing that they conceived tends to any disorder; yet before that punishment can be inflicted, you must go step by step, to see what has been done; to trace, by plain provable acts, what the real intention is---to do it with a trembling nerve---to fall back---to look at it again and again---and to turn it round and round. Not on volumes of evidence, which no man's mind is capable of taking in; but at once to come to the ground where a man can compare things candidly in his mind.

Though I have the greatest respect for, and no man honours more than I do, all those persons employed in the prosecution of a great state offender, in a trial that has driven us out of Westminster Hall, for a great part of my professional life at least, because I know they are honourable men; yet, I am persuaded, if they could have foreseen it would have extended to the length it has, they never would have carried it on: for I defy any man to tell me upon that evidence, or venture to say, in a criminal case, whether Mr. Hastings, for instance, is guilty or not guilty. And I do hope in God, such another trial will never be known in England, because I think it brings dishonour upon the justice of the country. Every man has a right to hold his life and his liberty on laws that should be so plain that every body may understand them. I might travel through these monstrous records for seven years, and might at last become afflicted with disease, and be hardly able to state the case of my client.

Gentlemen, the next great question is, how these admonitions of those great men are reconcileable with what undoubtedly is found in their works? And I think I do not say too much, when I say it ought to be the inclination of every person's mind, who is considering the real meaning of any writer, particularly a writer of great learning, if possible, to reconcile all they say, and not put such construction upon any book written by great men, that puts one part in opposition to the other. Therefore, the Judges have put that construction upon them, as shall be easy and natural to the common understanding. It all turns upon the meaning of an overt act: the moment you get it right upon that meaning, the curtain is drawn up, and all is certainty. The meaning of an overt act I take to be this: the crime is a compassing the death of the King; that is, taking away his natural life. It is there where the attack is. I do maintain it, I maintain it in my own person, that there is not to be found, throughout the whole compass of the law, except a pamphlet published by Sir Bridgeman Shower, whom I shall take a few liberties with before I sit down, as he is the only man who ever said, that the first part of the statute was meant to protect the authority of the King. Then how is it that an overt act, charging the deposing of the King, should be a good overt

act upon the record? It is this: the intentions of the mind are invisible. As Lord Hale says, "It cannot come within the compass of human judicatures, without you bring out the intention of the person by an overt act:" and therefore, in the case of the regicides, I will by and by read to you what is said by the Judge who tried these unfortunate men, and these detestable men. First of all, there was a long consultation with the Judges how this treason should be laid; and it was held, that the words of the statute must be pursued. And although the King was murdered, and the men at the bar were to be indicted and tried for that murder, yet they do not charge the King's death, but charge the intention of the prisoners in the overt act upon the record. And whatever is relevant evidence to prove any fact that can come in issue in a court of justice, I take to be matter of law: that is, whatever is admissible evidence in a court of justice, to be given and laid before a Jury, is matter of law; and for this reason, the Judge can shut it out, if it be such evidence from whence a Jury can in no case infer the fact, which is the foundation of the civil matter, or of the offence; then the evidence is shut out altogether: but where, after the evidence is admissible, it is sufficient to convince the Jury, in the particular instance, that the crime, the intention existed, is matter of fact; and we have had a memorable instance of it lately, which I will put, because the Attorney General is acquainted with it---I mean a case which came before the House of Lords, respecting bills of exchange. A great number of circumstances were put together, from whence it was contended, that the defendant, in that case, had the knowledge of a fact. I demurred to that evidence, saying, it was not sufficient evidence at all, upon which the cause can go on. But it was decided to my satisfaction in the House of Lords, that you cannot take from the consideration of a Jury, by a demurrer to evidence, any conclusion that the Jury can collect, or may draw from relevant evidence; and, therefore, we were obliged to go down to trial again. When it came before the House of Lords, this was decided---That the province of the Judges being to judge only of the law, and consequently of the inadmissibility of evidence, as a branch of law,---it belongs to the Jury alone, in each particular case, to draw particular conclusions from relevant and admissible evidence. For instance, if a man is charged with an overt act of deposing the King, and conspiring by force of arms to depose him, I will prove that, in many cases which I will state to you, it is undoubtedly very strong evidence of the intention; but whether, in each particular instance, the conspiracy to levy war is or is not sufficient to convince the Jury, as was stated in the most honourable way by the Attorney General in his opening, (which I shall never forget,) is matter for your consideration; and therefore the Attorney General said in his speech, that the evidence must

must at once be formal and convincing. Formal it must be, or else you cannot hear it---convincing it must be, or you cannot see it upon the record; that the prisoner may know what he is to answer, and that he may be told that he intended to kill the King, because he did so and so. For such is the tenderness of the law to the prisoner, that, by the statute of William, you shall not be allowed to give evidence of an overt act, unless it is to prove an overt act upon the record. That being the case, suppose the statute of William had not passed, it would have been sufficient only to have said that the party compassed the death of the King. Suppose the overt act is not put upon the record, who is to judge whether that evidence could be given by which the mind of the prisoner was to be discovered? The Judge. But who is to decide when the evidence is given? The jury. An overt act of deposing the King, is a good overt act of compassing his death; but whether, under all the circumstances, it is sufficient to convince the Jury, according to the manly expression of the Attorney General, whether it is sufficient to convince the Jury of the criminal intention which constitutes the charge, is matter for you.

Gentlemen, I know very well, and I am sure, the Judges will have no disposition to interfere in it. It is your office by the law of the country, and I have no doubt but you will discharge it with as much fidelity on our part, as on the part of the Crown; and I am sure you will proceed upon the strict justice of the case.

Gentlemen, in pursuance of my purpose, I shall go on to see whether what I have been now saying is supported by the same authority; and I vow to God I feel a great deal of pleasure that I have had ample time to look into the law. I wish my time had been more divided, and that I had had more time to look into the facts. I have had too much leisure for the one, and not enough for the other. Upon looking at Lord Hale, your Lordship will see I am correct in what I say. He says this,---But I will take Lord Coke first: he says, 3d Institute, p. 11 and 12, "The contemplation, purpose, and continuance, must be found to exist, without which there can be no compassing. The indictment must charge that the person traitorously compassed and imagined the death and destruction of the King." He says there must be a compassing or imagination of the death of the King, for an act without compassing intent or imagination, is not an overt act: that is to say, though you were to do an act which must, in its consequence, lead even to the death of the King, that would be a very rash act, and subject you to punishment for a misdemeanour; but to make a man a traitor by the law of England, under whose canopy every man walks erect and proud when he knows its wholesome laws, it must be proved that the man intended the act should have that effect which is imputed;

imputed; and if there be an authority in the law of England, I challenge any man in England to contradict what I have said; and you cannot convict the prisoner at the bar, unless you are convinced and believe in your consciences, that the defendant did compass the death of the King, and at what time they mean to say he began to compass this death, for that point must be determined---unless you can find at the bottom of his heart that wicked intention, and that every thing that was done, was done in consequence of that wicked intention, you cannot convict him. You may find things which you may disapprove of, and which I disapprove of, in his conduct---you will find absurd and rash letters---you will find indecent conduct---all these sort of things; and though that may be a lesson to every man who subjects himself to these observations, yet I know what I say, when I say, that that will not bring a man to death for compassing and imagining the death of the King. This is made out to you by his conduct; and, if it is possible for you to doubt, I am sure I shall shew you, in a very short time, that he had no such intention.

Gentlemen, after the death of Charles the First, the regicides came to be tried, when the King had a strong authority; and if they had been in France, God help the men! If they had been tried by a Revolutionary Tribunal, it would have been just wasting so much time in bringing them to trial---it would have been the same as giving them no trial at all---they would immediately have been hurried away to execution. But, in England, that sacred liberty which adorns the constitution steps in, and requires that the intention of the mind shall be proved by some overt act.

Gentlemen, in the case of the regicides, the Lord Chief Baron says, "You see these persons are to be proceeded with," notwithstanding the enormity of their crime, "according to the laws of the land; and I shall speak nothing to you but what are the words of the laws." And I shall speak to you, Gentlemen, nothing but what the words of the law command me. "By the statute of 25th Edw. III. it is made treason to compass or imagine the death of the King. It was the ancient laws of the nation. In no case else imagination or compassing, without an actual effect of it, was punishable by our law. *Nihil efficit conatus nisi proveniatur effectus*, that was the old rule of law. But, in the case of the King, his life was so precious, that the intention was treason by the common law, and declared treason by this statute. The reason of it is this: in the case of the death of the King, the head of the commonwealth, that's cut off; and what a trunk and inanimate lump the body is, when the head is gone, you all know. For the life of a single man, there's the life of the offender---there's some recompense, life for life; but for the death of the King, what recompense can be made? This compassing
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and imagining the death of the King is known by some overt act. Treason consists in the wicked imagination, though not treason apparent; but when this poison swells out of the heart, and breaks forth into action, in that case it is high treason. Then what is an overt act?" I do not think it possible for the human understanding to have imagined a more emphatic way of pronouncing it, or language to have been more to the point. "Then what is an overt act of an imagination, or compassing the King's death? Truly it is any thing which shews what the imagination is. Words, in many cases, are evidences of this imagination, they are evidences of the heart."

One gets confounded by the simplicity of the proposition, when it is so clearly put; but still I stand here in a situation to perform a duty, which I am determined at all events to fulfil, at least in a manner as well as I can, and as my understanding may suggest.

Gentlemen, I shall not leave it, however, upon the authority of that case, but I will bring you down to later times; and I will repeat my challenge, and I will have it answered, whether it be possible for them to shew me any thing to contradict me. Lord Hale, in his explanation of overt acts, says, "The words compass or imagine are of a great latitude, they refer to the purpose or design of the mind or will, though the purpose or design take not effect." This is a dreadful severe law, but a very wholesome one; and I hope in God it will always remain to be the law. He goes on, "Compassing or imagining singly of itself is an internal act, and without something to manifest, it could not possibly fall under any judicial cognizance, but of God alone; and therefore the statute requires such an overt act as may render the compassing or imagining capable of a trial and sentence by human judicatories."

Now, will any man tell me, that Lord Hale, whose name will live to all time, could write so like a driveller? Will any man tell me that if I get into bad company, that I compassed the death of the King, that I compassed to do an act without intending it? Surely you will not find any Judges or Counsel to tell me, that what a man intends is not a matter of fact to go to a Jury; one would give money to a man in the street, as a curiosity, who was capable of stating such an absurdity as that. It may be said a man does not go directly to his point, he does not take up a knife, and say, I will kill the King: I allow it; but if he does an act unintentionally which leads inevitably to the death of the King, it is not that his doing the act makes him a traitor in consequence of the act; but it is this, and for this plain reason, that if a man does an act, and pursues the doing of it, which he evidently must see and know at the time would lead to such an event, then it is evidence under the circumstances of the case, to be left to a Jury, that he intended it. All that I am still asking of this argument is, and

I will

I will defy any man upon earth to contradict me, put upon the record what you will, prove what you will, read these papers over and over again, let us sit here for a year; I say, you twelve Gentlemen shall tell me, not whether you believe, not whether you suspect, not whether you fancy, but you must have clear and satisfactory evidence; it must be *provably* of the guilty intention of the prisoner's mind; and I know without that, you would not expect to enjoy any peace of mind when you go home to your families again. But you will permit that unhappy man at the bar to go home---to his family, shall I say? Alas, Gentlemen, he has no family to go to! he has lost the affectionate partner of his life, owing to the miserable situation in which he now stands! But, Gentlemen, I do not ask you to take that into your consideration; that, I know, can make no difference in a case that is brought before you, who are sworn to decide and give your verdict upon your oaths.

Gentlemen, in this case I am not acting as Counsel for the prisoner at the bar only, but I am Counsel for myself; I am defending myself; I feel for my own life, and the lives of my children after me. The lives of my countrymen are not safe: I feel for the general condition of humanity; and all the glory, and all the safety of humanity is destroyed, if it be possible for you to doubt or to hesitate on this case, when I come to state it to you by and by.

Gentlemen, Lord Hale then says, (and this is very material, in pursuance of the same thing,) he says, that "In every indictment for treason, for compassing the death of the King, there ought to be set down both the treason itself, and also the particular overt act, certainly and sufficiently, without which the indictment is not good;" and then he says, that the overt act must go on stating that he did it in pursuance of that principle, in pursuance of that direct and detestable purpose.

Gentlemen, I now come to grapple directly with what has been said on the other side; not, indeed, to grapple with it, but rather to agree with what has been said by my learned friend who opened the cause, as far as I can see what is meant. Lord Hale goes on, and says, (and I do beseech the attention of the Court to this,) "That when men conspire the death of the King," that is the first thing, the intention, "and thereupon," in pursuance of that wicked intention, "do provide weapons, powder, harness, poison, or send letters for the execution thereof," for the execution of that destruction of the King which they have meditated; "this is an overt act within the statute: if men conspire to imprison the King by force and a strong hand, till he hath yielded to certain demands, and for that purpose gather company or write letters, this is an overt act to prove the compassing of the King's death; for it is in effect to despoil him of his kingly government, and so adjudged by all the Judges in the Lord Cobham's

ham's case, and in the case of the Earl of Essex;" and there is not a man in the street who does not understand him. "But then," says Hale, "there must be an overt act to prove that conspiracy to restrain the King; and then, that overt act to prove such a design is an overt act to prove the compassing the death of the King."

Gentlemen, the sentence labours in the ear, from the tautology of it, because it laboured in the mind of the excellent man who wrote it, afraid that you should jump too fast, afraid that you should jump too soon to your conclusion upon a subject of such awful moment, when he says, if a man shall conspire the death of the King, he pulls you back---do not go so fast---come back again; he must first intend to kill him---recollect; there must be an overt act to prove in the first place the conspiracy; and if in pursuit of the intention to kill him, they imprison the King, that is high treason, because that would be conspiracy, but then there must be an overt act to prove the conspiracy; and then, he says, there must be an overt act to prove the compassing his death. Look further back (says he) than the imprisoning of the King. Lord Hale is still afraid that he has gone too far; he is still afraid that the reader might not understand him; and then he goes on, and I do really wish you would have the goodness to take down a few lines; "But then this conspiracy to imprison the King must be intended of a conspiracy forcibly to detain or imprison the King." Now, what is it forcibly to detain and imprison the King? It hardly requires explanation. Suppose a number of men meet together and say this, "Let us seize upon the King." How seize upon him? seize upon him speculatively; that, possibly, one hundred years hence, by the circulation of pamphlets which may beget republican principles, people may be attached to republican principles, which republican principles may in the long run take effect in this King's reign, or the next. Is this a conspiracy to imprison the King? Is this a conspiracy to subvert the government? I defy any one to shew me a case where any man has been found guilty of this crime of high treason, unless there had been a forcible attack upon the King's person, for that alone, and not a constructive attack upon his government, can be high treason; and I will prove that by authorities. You must levy war actually; I do not mean to say, that a conspiracy to levy war is not an overt act of high treason, though not an overt act to prove the conspiracy of the death of the King. I say, and I cannot help saying, that there must be a direct conspiracy against the King. Then it all comes round to this proposition---Whether the Jury, with all these circumstances laid before them, can say, there was a direct conspiracy against the King; not by a bewildered, round-about, speculative, fanciful, probable case, but there must be a direct attack upon the natural life of the Sovereign;

because, as Foster says, "Between the prison and the graves of princes the distance is very small;" and, therefore, it is very fit to be left to a Jury under those circumstances.

Then, Gentlemen, I shall now shew you, that this has been held so by all the great Judges that ever lived in this country, and that this is not peculiar to treason---it pervades the whole criminal law; and that eminent Judge, Mr. Justice Foster, lays down that law thus, as a general rule: "That indictments grounded on penal statutes, especially the most penal, must pursue the statute so as to bring the party precisely within it:" and he says, "Although a case is brought within the reason of a penal statute, and within the mischief to be prevented, yet, if it does not come within the unequivocal letter, the benignity of the law interposes." And he states authorities which I should be exceeding glad were taken down, because they are certainly very useful---Gibbon's case, Howard's case, and John Bell's case.

Now, Gentlemen, if this surely be the law as to penal statutes, if you are obliged to do this for killing a hare, are you to have a more loose construction in a case of high treason? What is the answer to that? I hope the Attorney General will believe, that when I state that one part of his speech is in diametrical opposition to the other, I hope he will not think I am imputing any thing to a defect in his understanding, or his heart; but that, owing to my authorities not having been sufficiently understood, there is this inconsistency. The Attorney General says, in the beginning of his speech, that the evidence must be plain and convincing---in the latter part he seems to take away the effect of that. In the early part of it he says this, (and I took down his words at the time,) "I most distinctly disavow every charge of constructive treason---I most distinctly disavow all parity of treason, all parity of mischief; but the question is upon the proof, whether it be full and satisfactory to your reasons and consciences, that he is guilty of the treason of compassing and imagining the death of the King."

Gentlemen, I hope that that will always be said in cases of this sort. Now let us see how the rest of his speech falls in with this. He says, "If such an act appears to have been done, it will be an overt act of high treason." How so? Because the intention is the thing: says he, I charge the intention to compass the death of the King. But what good do I get by the statutes requiring direct proof of the compassing the death of the King, if you can make something short of that do for it?

To depose the King in the time of Richard II. was made treason of itself, whether you intended his death or no; but it is not high treason to seek to depose the King, or his death, as in cases I can prove to you.

Gentlemen,

Gentlemen, the first great case after the Revolution was the assassination plot against King William; and you will see how every thing that I have been saying is fortified by the trial of that great cause. The first case was that of Sir John Friend, and he was charged in this manner: the first overt act was sending Mr. Charnock into France to King James, to desire him to prevail on the French King to send forces over to Great Britain, for the purpose of levying war and deposing King William. The next overt act was preparing men to be levied to form a corps to assist in the restoration of the Pretender, and the expulsion of King William, of which Sir John Friend was to be Colonel.

In this case, Gentlemen, the proof was either to be wholly discredited, or it went to a conspiracy directly to do this act. Here was the very act; it was a direct act to restore the Pretender to the throne: not to do another act, the consequence of which happening might lead to a second---the consequence of which might lead to a third---the consequence of which might lead to a fourth---which fourth might, in the course of the revolution of things, bring on the death of the King; but it was directly to set the Pretender on the throne. My opinion is, and I am more disposed than others to be severe in the administration of justice, that Sir John Friend could have no possible defence at all. Who could try him without seeing that he intended to cut off King William? For the evidence went directly to prove that he sent Charnock to invite the French King to bring over the Pretender, and put him upon the throne; then what would have been the consequence? that King William would have been attainted by act of parliament, if the Pretender had been brought to the throne---I say, if the Pretender had come back again, and been restored to the throne as King of England, the consequence would have been, that King William would have been considered as a traitor and an usurper, and would have been attainted and executed. What is the argument? That here is no difficulty in seeing whether the man intended the compassing of King William's death. There is no difficulty in saying whether he only meant to do something from whence, in a circuitous course of events, something might arise. Let us see what Lord Holt, who tried that case, said, and I do maintain, that every thing I say to you is confirmed by the speech of this great Judge. He says, "Gentlemen of the Jury, the treason that is mentioned in the indictment, is, conspiring, compassing, and imagining the death and destruction of the King. To prove the conspiracy and design of the King's death (see how he puts it) there are two principal overt acts that are mainly insisted upon." He then sums up the evidence, and addresses himself to the Jury, in my opinion, most correctly. He says, "Then there is another thing that he did insist upon, and that is matter of law. The statute of the 25th of Edward III. was read,

which is the great statute about treasons, and that does contain divers species of treason, and declares what shall be treason. One treason is the compassing and imagining the death of the King, another is the levying of war. Now, (says he,) here is no war actually levied, and a bare conspiracy or design to levy war does not come within this law against treason."

Pause here a little, Gentlemen. What is Sir John Friend's argument? He is very intelligible. Look at his Counsel's speech. Says he, "Suppose I did," for, if the Jury believed the evidence, it was notorious that he meant to bring over the Pretender, "Suppose I had that intention to cut off King William, you have not brought it home to me, because you have only proved a conspiracy to levy war; and a conspiracy to levy war is not treason, except where it is actually levied within the statute of Edward III." To which Lord Chief Justice Holt says, "If there be only a conspiracy to levy war, that is not treason, it is only a substantive treason; it is not a treason in the abstract, but in the design." Now, what is the meaning of the design, not the probable consequence, the eventual, speculative consequence? "But if the design or intention be either to kill the King, or depose him, or imprison him, or put any force or personal restraint upon him, and the way of effecting these purposes---" a man cannot effect a purpose which he has not proposed in his mind, "and the way of effecting these purposes is by levying of war; there conspiracy and consultation to levy war for that purpose is high treason, although no war be levied; for such consultation and conspiracy is an overt act to prove the compassing the death of the King, to be laid before the Jury, for them to say whether it is so or no."

If Lord Chief Justice Holt had meant to lay down that such a conspiracy to levy war, without the further intention to kill him, in order to depose the King, was in itself high treason, he would have stopped here; but that great lawyer went on to qualify his proposition, by saying, that such conspiracy was an overt act, proving the compassing; that is, a conspiracy to depose the King, was evidence of an intention to destroy his life.

Gentlemen, there is another part of what Lord Holt says which must have escaped my learned friend when he spoke of Lord George Gordon's trial, which I have in my hand. Sir John Friend says, "Suppose I did mean to levy war, and held meetings to concert measures to bring it about, yet certainly that is not treason;" and then he goes on to illustrate that proposition. Lord Holt then goes on thus: "There may be a war levied without any design upon the King's person, or endangering of it, which, if actually levied, is high treason; but a bare designing to levying war, without more, will not be treason. As for example: if persons do assemble themselves and act with force, in opposition to some law which they think inconvenient, and

and hope thereby to get it repealed, this is levying war and treason, though purposing and designing it is not so. So when they endeavour, in great numbers, with force to make some reformation of their own heads," I think this comes nearer to what is imputed to the prisoner at the bar than any thing else---one would think it were a prophetic bird's-eye view of what we are about, "when men endeavour, in great numbers, with force to make some reformation of their own heads, without pursuing the methods of the law," the methods of the law, you know, are perfectly clear, "that is a levying of war and treason; but the purposing and designing it is not so."

I am coming now to Lord George Gordon's case, where was the same determination. If I set out and determined (and I should not be in the least afraid of the Solicitor of the Treasury, or any other person in the consultation,) that I would levy war to get a turnpike act repealed that was extremely offensive to me, and I were to go to the House of Commons with 20,000 men, and say I will have it repealed, and do nothing else, I defy them to prove me guilty of high treason. I will meet my friends upon a special verdict, and hang me if they can; because a bare design to levy war is not treason. But if there be a purpose and design to destroy the King, and it was in that man, I would not stand here to protect him; but I know it is false, and I will protect him, if I were to die the next moment.

I come here, Gentlemen, not to dispute authority, but to stand upon authority. It is not if you publish pamphlets, that other people may read those pamphlets, in consequence of which something may happen, and then something else; and thus heaping consequence upon consequence, speculation upon speculation: and, if the occasion were not too solemn to be ludicrous, I should say, that all this reminds me of the story in every child's gilt book, of the cow that tossed the dog---that worried the cat, and so on, till you come to the house that Jack built! It is abominable when applied to treason. I say it is absolutely necessary to prove the intention of the prisoner to depose the King from his throne, which deposition is to be designed and effected by war which is to be levied. Shall it be said, that a consultation to bring that to pass is high treason? No! that no man shall ever read me out of a book: no, the intentions of the heart can be known to God alone with certainty, and a Jury only can know with a reasonable probability. Lord Chief Justice Holt says, "Such a conspiracy is an overt act to prove the compassing the death of the King." It is evidence relevant to prove it, for the determination of the Jury.

Gentlemen, we ought here to see a little how that was in the case of Lord George Gordon; and Mr. Attorney General descended indeed to a very low and humble authority, when he stated, from my speech for that unfortunate man, my own proposition.

proposition. I was Counsel then, as I am now, for the prisoner at the bar, who was not indicted for compassing the death of the King, and could not be so. I remember, Lord Mansfield (and in which the very learned Judge, to whose learning I bow as much, and for whose learning I have as much respect as any man can have, concurred; I mean Mr. Justice Buller, who is now on the bench, and who sat with Lord Mansfield at that time, and I appeal to him if I am not correct,) said, that there was not a conception in any one's mind, that Lord George Gordon compassed the death of the King. This is the sentence of mine alluded to by the Attorney General: "To compass or imagine the death of the King, such imagination or purpose of the mind, visible only to its great Author, being manifested by some overt act, is treason; such an institution is obviously directed not only to the security of the King's natural person, but to the stability of the government; the life of the Prince being so interwoven with the constitution of the state, that an attempt to destroy the one is justly held to be a rebellious conspiracy against the other." But I know the Attorney General's logic is too accurate for him to think it necessarily follows, that the converse of that proposition will hold good, that if the King was eighty years of age, and bed-ridden, and had given up a share of the government to his son, yet to imagine the death of that disabled King, though it could not possibly hurt the state, it would be compassing of his death: but does it follow, that if I make a sort of convulsion in the state, that I intend to attack the King's life?

Gentlemen, it is astonishing, and I cannot comprehend, how so much confusion could get into any one's head. How is it possible a man's intention can be matter of law? And if they say you must find this man guilty of compassing the death of the King, when he never had an idea of it, I ask how it can be done. It is a fact to be determined by the Jury---it is the inference of their reason from the facts of the case, and not the inference of the law.

Gentlemen, Mr. Attorney General stated a case, suppose they had gone so far as to have deposed King William and sent him back to Holland, to resume his station as Stadtholder; I say, if the prisoner could convince the Jury that it was their firm determination never to go any further than that, and the Jury negatived the conspiring the death---if they could shew that they did not mean to kill him, that would not be treason; but where would you find a Jury to believe that? All that the Crown would prove, would be the act of deposing King William, and then the proof of the intention to keep him elsewhere must come from the prisoner; but what must that proof be? Not of an act which may lead to a second act, which second act may lead to a third, and which third act may lead to a fourth, which does not respect King William at all. But I, standing here, do mean to say, and give

give it as my opinion, that there cannot be the case found throughout the whole law of England, where a man has been convicted of compassing the King's death, unless when the conspiracy has been to do the act; not brought in this round-about way, speculatively to affect the King, but it must be directly either to imprison the King for a length of time, or lay strong hold of him, till he yields to the demand.

Gentlemen, I will say, that there never was such a cause as this. Did any body ever hear of such a trial, which has already lasted five days? Suppose I had said, you shall not stir; but I know you to be men of honour. I know you will not convict the prisoner at the bar. Gentlemen, I have read the Reports of the Secret Committee of the House of Commons. I thought the House of Commons ought to be a controul for the people. What is all about the Report of the Secret Committee to me? Here you have such a page, and such a page, Appendix A, Appendix B, Appendix C; and, as to the evidence that has been offered, I do not know where I am, when I examine it in a court of justice. One man stands up in the box and tells you, he heard another man say something, but took no notes of it, though he was employed as a spy for that purpose. Another took some notes, but did not hear all that was said; and nothing of all this in the prisoner's hearing. I was present, as the man said about Watt. A. B. C. and D. were present, A, said he would get arms, and then they were to go directly to St. James's, and take the King, on such a day, that is an overt act of treason I admit to go to the Jury; but was there ever an attempt to do it? My learned friend expressly disavowed any case of like treasons; but what do you call like treasons, if this is not one? Gentlemen, I am sure I hope it will be found that I shall say nothing offensive, but if I were to ask, tell me when he began to have that design; supposing you was to ask Mr. Attorney General when he meant to fasten this particular design upon the prisoner, for you are not first to do a thing and then the intention pop in after it; but you must have the intention first. The indictment charges that the act is fulfilled in consequence of the intention; then when did the intention begin?

Now comes my Lord George Gordon's case, and I am sure I am always glad to hear and to pay attention to any thing that fell from that most venerable and respectable magistrate, whose memory I shall always honour and respect, not only recollecting the great services he rendered in his life, but on account of the advantages that posterity will derive from his extensive knowledge of the laws and constitution of the country---I mean the great and venerable Earl Mansfield, when he tried my Lord George Gordon. He never had an idea that the natural person and the majesty of the King were the same thing. He knew, for he knew all that was to be known, that they were protected by distinct branches of
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the statute; that the King's majesty was protected by the clause in the statute respecting levying war, and the natural person, the natural life of the King, by the first branch, that of compassing his death. I will read his words: "The prisoner at the bar is indicted for that species of high treason which is called levying war against the King, and therefore it is necessary you should first be informed what is in law a levying war against the King, so as to constitute the crime of high treason, within the statute of Edward III. and perhaps, according to the legal signification of the term before that statute. There are two kinds of levying war---one against the person of the King, to imprison, to dethrone, or to kill him, or to make him change measures, or remove counsellors." Suppose I were to ask a lawyer what is a conspiracy to kill the King? What is the proof of it? The intention of the mind, to be sure, the answer would be, because you intended it. Lord Mansfield goes on and distinguishes his majesty from his person, which I consider as distinct as light from darkness: he says, "The other, which is said to be levied against the majesty of the King, or, in other words, against him in his regal capacity, as when a multitude rise and assemble, to obtain by force and violence any object of a general public nature, that is levying war against the majesty of the King; and most reasonably so held, because it tends to dissolve all the bonds of society, to destroy property, to overturn government, and, by force of arms, to restrain the King from reigning according to law." But then the war must be levied; (and I appeal to the recollection of the Court, because Mr. Justice Buller sat in the Court,) and Lord Mansfield then appeals to Sir John Friend's case, and let this be taken down. Shew me the man, let his rank be what it may, that can remove me from the foundation on which I stand. Here there was a conspiracy to levy war; but that is a conspiracy of which my clients are not guilty, for I will shew that they had no such intention.---But Lord Mansfield says, "Insurrections by force and violence to raise the price of wages, to open all prisons, to destroy meeting-houses, nay, to destroy all brothels, to resist the execution of militia laws, to throw down all inclosures, to alter the established laws, or change religion, to redress grievances real or pretended, have all been held levying of war. Many other instances might be put. Lord Chief Justice Holt, in Sir John Friend's case, says, 'If persons do assemble themselves, and act with force in opposition to some law which they think inconvenient, and hope thereby to get it repealed, this is a levying war and treason: but which causes cannot be laid as overt acts of compassing the death of the King.'"

My Lord George Gordon assembled a multitude round the House of Commons; we all remember the time, and I hope we shall never see such a time again. And I am sure you cannot,
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from what has passed, think any thing of that sort existed in this case, when they would not suffer a man to come among them because he had been attorney for Lord George Gordon. At that time there was a great deal of danger and disorder. The Houses of Lords and Commons were shut up: we all remember it: but it was never put as a conspiracy---it was never in the world put as an overt act of compassing the King's death. And my Lord Mansfield summed up to the Jury thus: "I have the authority of the whole Court for this, as law: I tell you the joint opinion of of us all. The first question then (says he) is, Whether that multitude which assembled, and which also with violence pulled down houses, and committed other outrages, whether they did these acts of violence in order to compel the House of Commons to repeal this law. And it is no matter what the act is which they wish to have repealed, if they did it with that intent; it is equally an attack upon the legislature of the country, whatever the nature of the law may be which they wish to have redressed."

Lord Mansfield says the first question is, "Whether you believe the multitude did assemble and commit acts of violence with intent to terrify and compel the legislature to repeal the act called Sir George Saville's. If upon this point your opinion should be in the negative, that makes an end of the whole, and the prisoner ought to be acquitted." And then the second point comes; and your Lordships have most studiously taken this distinction. You have told us, that we must not confound the evidence. Your Lordships have kindly and humanely told us, in the course of this cause, that there are two stages in it.

The second point is---"If you do believe the multitude did this, then, Whether the prisoner at the bar brought them there with that intent (says my Lord Mansfield)? Whether you really do believe that the prisoner at the bar incited, encouraged, promoted, or assisted in raising this insurrection, and the terror they carried with them, *with the intent* of forcing a repeal of this law." He did not say, if you believe Lord George Gordon brought them there rashly and foolishly, that in consequence of bringing a hundred thousand people together, mischievous people would meet with them, and possibly mischief might ensue: No! he was not tried for rashness---he was not tried for folly, nor was he tried for a misdemeanour. I did not defend him from either. I allowed that his conduct was highly reprehensible. I admitted that it was wrong---that it was strange, that a person of his high rank should do it. It was not the character of a good subject. He brought the people together about the House of Commons, in hope of getting a repeal of an obnoxious law, thinking it might be attended with danger if they did not, and he thereby thought to get it repealed; but this is not a levying of war. We are charged with conspiring to do what Lord George Gordon

don did, if he was guilty. We are charged with endeavouring to collect a multitude by force for that purpose. It is proved we never had any such idea. But supposing we had, why did not you wait to see whether that was our intention or not? You knew all that has been going on for two years, and never attempted to check it---never told us that you thought we were guilty, and said, "Now we have got you, we will let the hatch down upon you." It was proved that Lynain, your spy, let the magistrates know the whole of it two years ago, and has continued so to do: and I will prove that every body knew it.

Then, Gentlemen, it is a conspiracy only to levy war. And even suppose my clients have done every thing which the Crown contends they have done, but which I contend they have not done, and if they had done it I would wash my hands of them, yet that would not amount to high treason. To be sure, I must be extremely anxious of the opinion of twelve men of your honour and discretion, who are diligent in attending to the evidence, and who will be guided only by the evidence. If I could consider that the prisoner was guilty, I must undoubtedly stand up to do my duty; but I should do it in another kind of temper. My anxiety depends on this---that I am convinced in my own mind that I am defending the life of an innocent man. It is a great weight upon my spirits, and I am happy the time is come when I am to be discharged from the load that has been pressing upon me for some time, and almost weighed me down. But, Gentlemen, however you may think they have done what is contended, yet unless they did it, in your opinion, with the intention imputed---namely, that of compassing the King's death, they are not guilty of this treason.

Gentlemen, I intended to have supported what I have said to you with a great deal of matter, which I have laboriously been extracting from different books of the law; but I choose to stop here and leave you to the *facts*, because I may waste my strength so much in this preliminary part of the case, that I may not be able to go through the rest.

Gentlemen, my clients are charged with this conspiracy to subvert the rule, order, and government of this country; and, Gentlemen of the Jury, you will do me the greatest favour if you will advert to this, that the charge made upon my clients is not for assembling the Scotch Convention, nor for conspiring to assemble the Scotch Convention; but the overt act is for conspiring to hold a Convention, which in fact never was held; and all the extraordinary evidence which you have heard, and with the admissibility of which I have not been finding fault; (for I bow with the greatest reverence to the Court, which I have every reason in the world to do;) I say, the Court have been obliged to admit the evidence as evidence to be left to you; although the Judges have not seen any thing at all as evidence
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to prove the intention with which they meant to call this Convention.

Now, Gentlemen, with regard to the reform of Parliament, whether it be a wise or an unwise measure---whether after it was attempted to be accomplished, it would ultimately be attended with good fruits or bad ones---whether it would be attended with any benefit to the country---or whether it would lead to remove the grievances which have been so often complained of, is what I by no means undertake to shew.

Gentlemen, whether the reform in Parliament be or be not a wise measure, or whether, if the legislature were disposed voluntarily to grant it, it would ultimately turn out to be beneficial to the country, I will not take upon me to prove; for this plain reason, because it is wholly foreign to the consideration of the subject before us: but it is enough when we are trying the *bona fide* intentions of the men---the consciences of the men before us; it is enough that we examine, whether all this that has been said about the defects in the representation of the House of Commons, be or not a mere stalking-horse for treason and rebellion---whether they were a set of discontented men who had taken up notions that had never occurred to others---and whether all that they have done and written must be supposed driving to some evil purpose.

Gentlemen, I confess for one, because I think the best way of defending a person is to defend ingenuously, I confess for one, that if the defects in the constitution of Parliament had never occurred to other persons than themselves at other times, who were more capable of reasoning upon these great principles of government, men of higher principles than themselves, I should be very apt to suppose that their designs were not good; because I should say in such a case, why should it occur to the prisoner at the bar, and some others, to find fault with a constitution which had endured for ages, and which had never had any reproach upon it? Happily, that is not the case; some of the greatest names this country ever had in it have been of a contrary opinion. And, Gentlemen, though I may talk a little loosely across the table in another place when I speak of Mr. Pitt, and when I speak of the Duke of Richmond, I am come here to speak of no man with disrespect. And, above all, when I am calling for a charitable intention to my client, I must take abundant care how I judge of the intention of others; for I say, that the intention must be fully and clearly proved, before you can fasten on any man an evil intention. It is sufficient for me that the late Lord Chatham built the fame and the glory of his life upon the cause in which my clients are engaged, and left it as an inheritance to his son, the present Minister, to raise his fame and glory upon it; and his fame and glory were raised upon it accordingly. And if the evidence had been carried so far as it might have been, it would have been found that the constitution

tion of one of the societies, (which I cannot read to you at this moment, because, by accident, I have left my labours of this morning, passing in papers, and so on, at home,) it would have been found, that the Constitutional Society, whose birth and origin has not been laid before you, owed it to the labours of the present Minister and the Duke of Richmond, whose plan was that which I shall read to you, and that which has been proved in the cause, though I have no opportunity of reading it at this moment, nor do I believe there is another copy of it in Court.

Gentlemen, the Duke of Richmond's plan was Universal Suffrage and Annual Parliaments; and although I think with a man with whom I have ever thought, and with whom I hope I always shall think, upon questions of politics---I mean with the illustrious and honourable gentleman whose letter was read to you, Mr. Charles James Fox; although I think, with him, that Annual Parliaments and Universal Suffrage might lead to very great inconvenience, yet that is not the question you are to try. I know that there is a very particular friend of the Duke of Richmond's in Court, and what I am about to say is within my own knowledge, that the Duke of Richmond is not only a man of very high illustrious rank and education, and therefore not very likely to take up a plan which was to lead to his own destruction, but I will venture to say, he is a man of a great deal of sense, of extensive reading, and deep reflection. I had the honour of knowing the Noble Duke when I was Counsel for a near relation of his---Lord Keppel, on his trial. I know his book is not the effusion of folly; his plan, therefore, must not be considered as the offspring of folly, but of information and reflection. He was of opinion, that it was necessary for the preservation of the constitution of this country that the defects in the representation should be amended; and he was also of opinion, that if they were not, this country would be ruined and undone: and I go along with the noble Duke. I have often said so; and I care not how many of such miserable spies as have been brought forward to give evidence on this trial are present to take down my words. I say, with the Duke of Richmond, that if government imprudently resist every temperate application for those reforms from time to time, and from age to age, they must expect that bad consequences will ensue; but then are we to say that these men, who are temperate in their applications, mean themselves to be so wicked as to bring about a revolution by force of arms?

Gentlemen, in 1784 the Duke of Richmond published his plan, in a letter which was written to Colonel Sharman, who was at that time employed upon the same subject in Ireland; and this is the most material part of the case, because you are desired to believe, and I wonder how any body could think of asking you to believe it, that the word convention and the word delegate,
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and the holding of conventions and appointing delegates, were all collected from what has recently happened in France. Gentlemen, they do not believe it themselves; because I will shew you most certainly, that the Duke of Richmond's plan was their plan which they had in agitation, and was intended to be carried into execution by the very same means that were attempted to carry it in execution in the year 1780, when a Convention of Delegates was called in Ireland upon the very same model as that which sat in Edinburgh. And although there might be indifereet and imprudent speeches, and though there might be many things of which individuals may disapprove, and which I myself may disapprove, yet I am of opinion that the intention of the men who held that Convention was to obtain, not by force of arms, that which I will shew you (not from the Duke of Richmond, but from much higher authority,) is the unalienable right of the people of this country.

Gentlemen, I beg here to turn about to the Judge when I say this. When I speak of the unalienable right of the people, I am not speaking of it as a right to be taken notice of in a court of justice in opposition to positive law, by which courts of justice can alone be guided, because no state can ever lay down any particular rules by which its order may be changed in any particular time; these are left for the consideration of the people: and if you choose to take out of Court with you the books that I will put in your hands, and compare them with these doctrines, you will find that they have been held by the greatest authorities of the law, that they have been held by the most reverend authorities that can be stated in a court of justice; nay, you will find more, that upon those rights alone it is that the King sits upon his throne; and I have stated it in Parliament, when I held a high office under the Heir Apparent to the Crown, when I have been combating the doctrines of Mr. Burke, whose name I shall often have occasion to mention in the course of what I have to say to you, but to whom I do not in the smallest degree impute blame. I beg it to be understood, that I should be ashamed of it, and particularly at this moment, when he is lamenting a domestic misfortune, which I, as well as every man, must deplore; and I believe no man more honours his genius, who knows the sublimity of his understanding and talents: he possesses a mind enriched with the greatest variety of knowledge, the finest imagination, the most powerful and fascinating eloquence, and the most extensive acquaintance with the history of the constitution of the country. I allude not to his change of political opinion, that change I think is to be liberally interpreted; but he is not upon trial for his intentions; and if men sometimes seem to act against the acknowledged principles of their lives, illiberal constructions ought not to be rashly formed against them; perhaps he has some reason for that change. Do not let me be rash; let me forbear from illiberal observations; perhaps

perhaps this man has reason to change his opinion; I leave it to God to judge intentions; I want to make uncharitable conclusions of no man. I wish you to judge like Christians upon this business; that men should harmonize, that they should judge charitably and humanely of each other's actions and conduct. I wish to unite all England in the bonds of love and affection; and that when this Court breaks up, instead of men's trying how we shall do this or the other, we may all try to save our country; instead of setting one part of it against the other by armed associations on one hand, and the terror of courts of justice on the other: that we may all unite our force and courage (and even when we are all connected together, we shall have a hard tug to pull at) in the glorious cause of our country: but when I say that, I do not mean the present war, which I think a calamitous and ruinous one, but of which I say nothing in this place; there is another place where I have the privilege of expatiating upon that subject.

Gentlemen, I have waited with more patience than I am afraid I can expect that you have waited, for the return of what is now arrived. Gentlemen, you will recollect, that it is not for me to defend myself against the charge which these Gentlemen spread out upon parchment, but they must prove it: and if they must prove it, they must prove it in such a manner as is satisfactory, and what manner that is I shall cite you the authority of two Judges; and I think the most important authority I can state to you upon this occasion is the authority of the Court in which we sit; and what I read I understand is correct when I read it: that according to the learned Judge in his charge to the Grand Jury, all that has been read to you, and the result of it, is a matter of fact. "Whether this be so or not is mere matter of fact, as to which I shall only remind you, that an enquiry into a charge of this nature, which undertakes to make out that the ostensible purpose is a mere veil under which is concealed a traitorous conspiracy, requires cool and deliberate examination, and the most attentive consideration, and that the result should be perfectly clear and satisfactory. In the affairs of common life, no man is justified in imputing to another a meaning contrary to what he himself expresses, but upon the fullest evidence."

I have no doubt when this humane language was held for the consideration of those to whom it was addressed, the learned Judge had no more than speculative proof; he could have no more; it was impossible that he could be acquainted any more than we were with the nature of the evidence; but it was the necessary result of what we see, and the learned Judge could not but see, that upon the surface of it we are not traitors: but the question was, whether there was not, under the pretext of a Parliamentary Reform, a dark and dangerous conspiracy; and in the affairs of common life, no man is justified in imputing to another
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a meaning contrary to what he himself expresses, but upon the fullest evidence; as to what evidence you have had, the season is not yet arrived for my discussion. But I will read you the charge of Lord Chief Justice Holt, on Parkins's case: "Gentlemen, it is not fit that there should be any strained or forced construction put upon a man's words or actions when he is trying for his life. You ought to have a full and satisfactory evidence to convince you that he is guilty before you pronounce him so."

The reason why I have taken it in this order is, because we are now to set about to discover whether the prisoner at the bar (instead of meaning what I am about to shew you other persons intended before him) meant to destroy the King by a traitorous conspiracy; and that all that has been written and said about their being legal and peaceable, and to arrive at their point by constitutional means, was but a mere veil to cover their traitorous conspiracy. I have already said that I was obliged to say it circuitously, for which I ask your pardon.

Gentlemen, then you are to consider whether this was a thing first taken up and originating with themselves. Gentlemen, in the course of this evidence, I put this very book, (*Duke of Richmond's Letter to Colonel Sharman*,) marked with my own hand, into the hand of one of the witnesses for the Crown, one of the Sheffield men; when one of my learned friends, a most acute, ingenious, and able advocate, doing his duty as he must do it, for there is a converse duty imposed upon us---causes must be tried on both sides---my learned friend asked him, "Did you write this? Did you do the other?"---"Yes."---"Then if you did that, how is it possible you can say your intentions were not to use force?"

Gentlemen, I will shew you that the Duke of Richmond did it; and I know his intentions were not of that kind. I know it has been said by my Lord President, that one man or twenty men having committed a crime is no shield for another. I am not contending for that---I do not put it upon this ground. I say that the prisoner at the bar has been treading in the paths of the most illustrious men, who are tied to the state by those selfish principles which attach to us all. It is true that some hot spirits had got among them, and they had eagerly caught, on the part of the prosecution, at what a man of the name of Yorke said at one place, and what Mr. Anybody has acted in another; but how that can possibly affect the prisoner at the bar, we shall consider by and by.

Gentlemen, this letter was written to Colonel Sharman; but when these people speak of this Convention, it must be a French Convention---and when they talk of a Parliament, it must be a name used in Oliver Cromwell's time. Why that should be, I confess I am at a loss to imagine. The name of Cromwell has not appeared in the cause that I know of; and I will shew you
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the history of the Revolution from the beginning to the end.--- But what is to become of the present of this knife, which I had last night from one of the witnesses, I know not.

Gentlemen, to whom was it that the Duke of Richmond transmitted and recommended his plan? To societies provided with half a dozen pikes? No; it was written to Colonel Sharman, who was at the head of ten thousand volunteers, all in arms for the defence of their country, without any commission from the King, to whose conduct it was owing that the crown of Ireland did not pass from his Majesty's brow, as did the crown of America. It was never imputed to Colonel Sharman that he had taken up arms against his country, or that he meant to make use of them otherwise than as in the defence of his country: but at the same time they remembered their rights; and these men, so armed and arrayed, held a grand general Convention upon the Royal Exchange of Dublin. It was a Convention of Delegates of the People, all the different counties in Ireland sending delegates to this Convention---not secretly, but in the face of day. By whose authority? By the King's? No. By the authority of the Lord Lieutenant? No. By whose authority then? By the authority of some of the worthiest and wisest men that ever lived in Ireland, but who remembered, as all wise men will remember, that they are great, and that their greatness does not consist in tilting it against the little, but in harmonizing the whole; and by giving the people their rights, they are sure to have in return their affection, and the stability of the country is secured.

Colonel Sharman, at the head of this corps, had this letter written to him by the Duke of Richmond, upon which these poor men have been acting; and I have many witnesses to prove it, if you will permit me to call them, but which I think you will not: he had this letter written to him---for what purpose? In consequence of Colonel Sharman having written to the Duke of Richmond to know his plan, and he gave it him. I will shew you the book, and there has not been a man called up on the part of the Crown, (except those miserable men, the spies, of whom I shall speak by and by,) who has said, that their intention was any other than a reform of Parliament by legal and constitutional means: and this is what the Crown witnesses themselves, this is what the men say, and that is the answer of them all; and if you suspect the witnesses in one thing, you must suspect them in another. I do not care whether you believe them or no. If you do not believe them, nothing is proved; and if you do believe them, all is proved that I want to be proved: for you must take all that a man says---he is either an infamous man, or a man worthy of belief. All the witnesses but the spies have said, that they would have renounced the societies with indignation, if they had believed that there was any intention of killing
or

or deposing the King. I am persuaded you must see, and my Lord and all of you must see, that there never was any ground for it. I should hate that poor unfortunate man, if I thought he was capable of so detestable an imagination as to attack the person of the King, or destroy his authority. How could the poor prisoner at the bar, or any of these people, hate the King, from whom it was impossible they could ever have received an injury? What has his Majesty done to the injury of any man? Has he injured any man in his property? Does he not lead a moral life? Is he not an amiable father of his family? Is he not possessed of every virtue? Is he not kind and indulgent to all his servants? Does he not live in the heart and affections of his subjects? And yet is it to be stated in a court of justice, that these people, to the number of 40,000, have been meeting at alehouses for two years together, to compass his death? and yet no man ever thought of touching him. I am sure his Majesty's life was as safe in their hands, as in the hands of any of his subjects: it is impossible they should feel such a disposition: and I would ensure his Majesty's most sacred life at the smallest premium that could be named. But their minds were irritated into intemperance, and they might even express themselves illegally at what they have been taught to believe are abuses, and which they have been taught to believe are abuses by those who are now at the head of the government---led to it by men such as the Duke of Richmond.

Gentlemen, if after reading this book, written by the Duke of Richmond, who has been called to a seat in the Cabinet, that poor man at the bar is carried to the scaffold, I shall say with the poet---

"-----Plate sin with gold,

" And the strong lance of justice hurtless breaks;

" Arm it with rags, a pigmy straw doth pierce it!"

Gentlemen, in France they have no laws; here we have equal laws: and why should any man suppose you mean France when you speak of equal laws? there is no more law in that country than is to be found in a forest among wild beasts: but that there will be law, that the people will claim and obtain law, I have not the smallest doubt.---But that has nothing to do with this cause.

Gentlemen, the Duke of Richmond wrote to Colonel Sharrman this letter in the year 1783, during the American war, the immense expence of which had involved this country under a load of debt, all arising from the corruption of the House of Commons; and which first brought the present Minister, Mr. Pitt, into great fame, when forwarding his plan for a reform. The same also went on in Ireland: the Grand Convention was formed there, which even arrogated the controul of the expenditure of the public money, a function which had ever been under-

derstood to belong exclusively to Parliament. To oppose the legislature by force is rebellion. It was never their intention to do, but to let them hear the voice of the people;---and in such an emphatical manner that they will be inclined to listen to it.

Gentlemen, I shall read to you, by way of preface, what is said by one of the most eminent writers we have in England at this time, and whose writings have produced not a little effect upon this country---I mean the celebrated person before mentioned, Mr. Burke. He says, "The House of Commons was supposed originally to be no part of the standing government of this country, but was considered as a controul issuing immediately from the people, and speedily to be resolved into the mass from whence it arose. In this respect it was in the higher part of government what Juries are in the lower. The capacity of a Magistrate being transitory, and that of a Citizen permanent." Citizen! it would be as dangerous now to mention the word Citizen, as to have a pike found in one's possession.---"The latter capacity, it was hoped, would of course preponderate in all discussions, not only between the people and the fleeting authority of the House of Commons itself; but it was hoped, that being of a middle nature between subject and government, they would feel with a more tender and nearer interest, every thing that concerned the people, than the other and more permanent parts of the legislature. Whatever alteration time, and the necessary accommodation of business may have introduced, this character can never be sustained, unless the House of Commons shall be made to bear the stamp of the actual dispositions of the people at large. It would (among public misfortunes) be an evil more natural and tolerable, that the House of Commons should be infected with every epidemical phrenzy of the people, as this would indicate some consanguinity, some sympathy of nature, with their constituents, than that they should in all cases be wholly untouched by the opinions and feelings of the people out of doors. By this want of sympathy they would cease to be a House of Commons." Mr. Burke goes on to state, that, "The virtue, spirit, and essence of the House of Commons consists in its being the express image of the feelings of the nation. It was not instituted to be a controul *upon* the people, as of late it has been taught by a doctrine of the most pernicious tendency, but as a controul *for* the people." The controul upon the people is the King's Majesty; the controul upon the people is the hereditary office of the House of Lords; the balance of the State is the controul for the people, which is in the House of Commons. But, how can that controul for the people exist, unless they have the benefits to be derived from the essential balance of the people in the representation, which it is notorious they have not?

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The Duke of Richmond laid before Parliament the state of the representation; that eleven thousand people chose a majority of the House of Commons. Why, it is impossible to say that there is any controul for the people. Nay more, take that eleven thousand into your consideration, and see how it is managed: for, seventy-one Peers and the Treasury nominate and procure the return of one hundred and sixty-seven members. I hold in my hand, what an Honourable Gentleman, whom if it were necessary, and the thing were not notorious, I could call upon as a witness to prove that this state of representation was offered to be proved before the House by that person, I seconded it myself; it was rejected; they would not examine into it. Now, Mr. Burke says, an House of Commons that will not examine into the people's complaints, is nothing in its resemblance of an House of Commons. His words are, "An addressing House of Commons, and a petitioning nation; an House of Commons full of confidence when the nation is plunged in despair; in the utmost harmony with Ministers, whom the people regard with the utmost abhorrence; who vote thanks, when the public opinion calls upon them for impeachment; who are eager to grant when the general voice demands account; who in all disputes between the people and administration, presume against the people; who punish their disorders, but refuse even to inquire into the provocation to them. This is an unnatural, a monstrous state of things in this constitution. Such an assembly may be a great, wise, awful senate; but it is not, to any popular purpose, an House of Commons!" And more than that, he goes on to state, as a firm proposition, and which also may shew that men were not going to destroy the King, though they use strong language---he goes on to state in so many words---he makes a stronger attack (and let the Solicitor-General take it down) than any thing that has been done by these persons who are to be tried for a conspiracy to destroy the constitution. He says, in the work called "Thoughts upon the Causes of the present Discontents;" and the word present will apply just as much, and more, now than at that time. Hear what Mr. Burke says, and remember I speak this to his honour. I would not for the world do otherwise. I should be crippled in my cause if I did not say so. I could not go on. I say this to his honour. He says, "It must always be the wish of an unconstitutional statesman, that a House of Commons, who are entirely dependent upon him, should have every right of the people entirely dependent upon their pleasure. For it was soon discovered, that the forms of a free, and the ends of an arbitrary government, were things not altogether incompatible. The power of the Crown almost dead and rotten as prerogative, has grown up anew, with much more strength and far less odium, under the name of influence; an influence which operated without noise and violence; which converted the very

antagonist into the instrument of power." What is this saying? That the House of Commons---not the House of Commons of 1781 or 1782 only; but that the House of Commons is a settled abuse. Instead of being the balance for the people against the corruptions of the constitution, has become, without noise, under the influence of the Crown, the hand of prerogative, which it was meant to be a balance against. Mr. Burke goes on, and further says, "which contained in itself a perpetual principle of growth and renovation; and which the distresses and the prosperity of the country equally tended to augment, was an admirable substitute for a prerogative; that being only the offspring of antiquated prejudices, had moulded in its original stamina, irresistible principles of decay and dissolution." Did Mr. Burke mean that the prerogatives of the Crown, properly understood, are antiquated prejudices, and ought to be destroyed? No, certainly not.

But looking into the works of a man, you must look and see what he means by the context. "Parliament," continues Mr. Burke, "was, indeed, the great object of all these politics; the end at which they aimed, as well as the instrument by which they were to operate. But before Parliament could be made subservient to a system by which it was to be degraded from the dignity of a national council into a mere member of the Court, it must be greatly changed from its national character."

Gentlemen, they tell you, that when he talks of Parliament he has an allusion to the state of things in Oliver Cromwell's time. But, consider from whose work it is I have been now speaking. Not that of a poor shoemaker---not that of an orator in a Sheffield club---not that of a person who may have no learning: but the work of a man of distinguished talents; and when he speaks of the House of Commons, he calls it Parliament. It is a waste of time, and an abuse of common sense, to suppose that a man speaking familiarly would not call it so. Therefore, when I speak of representation in Parliament, what can I mean but in the House of Commons?

In order to prove that they do not mean the House of Commons, my learned friends have read a letter written by Mr. Hardy to Mr. Fox, an avowed enemy to universal suffrage. They say, we want universal representation. Did Mr. Fox presume, when he received that, that it was from a set of people who wanted a national representation as in France? if he did, would he have sent that answer? Certainly not. They have also read a letter from him to the Society of the Friends of the People, whose sole object I know is merely a reform in Parliament; and if they had reason to suspect criminality in this case, they would have been very little entitled to eulogium if they had corresponded with any body of men, after they had sent delegates to such a Convention, instituted for such purposes. Should we have encouraged

encouraged men to go on to assume the functions of Parliament? But then come the Crown lawyers, and say, "We understand better what is meant by these letters than those who wrote them, or those to whom they were written;" and that they are to be construed otherwise than the way in which the very first men in the country, in point of birth and talents, have construed them, and which constructions I shall ask you by and by to put upon them.

Now, having said that, I will resume the reading of another part of Mr. Burke's book, and a pretty account it is. "They who will not conform their conduct to the public good," (he is speaking of the Minister; and, Gentlemen, I am come here to attack no man, but to defend my client :) "They who will not conform their conduct to the public good, and cannot support it by the prerogative of the Crown, have adopted a new plan. They have totally abandoned the shattered and old fashioned fortrefs of prerogative, and made a lodgement in the strong hold of Parliament itself. If they have any evil design, to which there is no ordinary legal power commensurate, they bring it into Parliament." Ministers do this if they want to load the people with taxes---Ministers do this to dishonour the country; and when there is no other legal means to execute it, they do it in Parliament. "In Parliament, the power of obtaining their object is absolute, and the safety in the proceeding perfect; no rules to confine, no after-reckonings to terrify. Parliament cannot, with any great propriety, punish others for things in which they have themselves been accomplices. Thus the controul upon the executive power is wholly and absolutely lost." This is a proposition universal; it is not peculiar to this or that administration, but that the people have no controul in the House of Commons. Why, Gentlemen, I should be glad that any man would stand up and say that he disbelieves this; if he did, I think he would find nobody to believe him.

Gentlemen, the next thing is this: he says, "The distempers of monarchy---" It has been an argument against us, that when you say you mean to amend the Parliament, you mean to subvert the King; but this is very strong, for these unfortunate people to shew that they did not mean to attack the monarchy: no, every witness that has been called has said they had only a view of a redress in the representation of the House of Commons. "The distempers of monarchy were the great subjects of apprehension and redress in the last century; in this, the distempers of Parliament." And here is, among other things, what gave rise to all that has been transacted, and what was done and doing since. "It is not in Parliament alone that the remedy for parliamentary disorders can be completed, hardly indeed can it begin there. Until a confidence in government is re-established, the people ought to be excited to a more strict and
detailed

detailed attention to the conduct of their representatives. Standards for judging more systematically upon their conduct ought to be settled in the meetings of counties and corporations; frequent and correct lists of the voters in all important questions ought to be procured. By such means something may be done."

Gentlemen, upon the petition presented in the year 1780 having been rejected, the Duke of Richmond wrote this letter; and I believe no man in this place apprehends that the Duke of Richmond, in writing what I am going to read, ever meant to take hold of Parliament by violence; but he wrote this upon which all that has been done, has been done. He states in the early part of his letter the fruitless attempts that had been made by application to Parliament. And then he says, "The lesser reform has been attempted with every possible advantage in its favour, not only from the zealous support of the advocates for a more effectual one, but from the assistance of men of great weight, both in and out of power. But, with all these temperaments, it failed; not one proselyte has been gained from corruption, nor has the least ray of hope been held out from any quarter, that the House of Commons was inclined to adopt any other mode of reform: the weight of corruption has crushed this more gentle, as it would have defeated any more efficacious plan in the same circumstances. From that quarter, therefore,"---What quarter? From Parliament. "I have nothing to hope." He has nothing to hope for from Parliament, they will not do it. "IT IS FROM THE PEOPLE AT LARGE THAT I EXPECT ANY GOOD. And I am convinced, that the only way to make them feel that they are really concerned in the business is, to contend for their *full, clear, and indisputable rights of universal representation*; which they claim and demand as their rights, by the Bill of Rights, granted when William was upon the throne; and at that time Parliaments were held much oftener than they are now; they claimed it as their unalienable and indisputable birth-right."

And in what I am going to say I shall say nothing that shall tend to disturb the order of the state. Gentlemen, I feel the greatest devotion to the constitution of my country, and I would not, for worlds, be the means of uttering one syllable, in this or any other Court, that would tend to disorder or confusion. I hope to shew you, that my disposition is to wish to see every grievance redressed, and to see a fair and proper representation of the people, because I believe that is the best security for his Majesty's happiness, and the stability of his government. He goes on and says, "But, in the more liberal and great plan of *universal representation*, a clear and distinct principle at once appears that cannot lead us wrong. Not expediency, but right. If it is not a maxim of our constitution that a British subject is to be governed

governed only by laws to which he has consented, by himself or his representative, we should instantly abandon the error; but, if it is the essential of freedom, founded on the eternal principles of justice and wisdom, and our unalienable birth-right, we should not hesitate in asserting it." How assert it? Parliament had refused it; there was not any hope of their ever doing it; and how were the people to assert their rights but in the manner by which these persons now under prosecution have sought to assert them? Not by a rebellion; for the meaning of a rebellion is, when any body of men conspire against the body of the state, which state consists in the great body of the people; but by collecting and bringing together before Parliament the weight and influence of collective opinion. And I hope never to hear it said again, that convening the people to consider of a reform in the representation of the House of Commons, would lead to the construction which has now been put upon it---a consultation to compass the King's death.

Gentlemen, you will see in evidence that they speak from beginning to end to the great body of the people. I am sure you will think as I think, that were the great body of the people to assemble, I know, and am sure, they would be for the continuance of the Crown and its inheritance. What a most dangerous principle to say, that the Crown is in danger if the people are collected and called together! Do these gentlemen mean to say, that his Majesty sits upon the throne contrary to the will of the people? Do they mean to say, that the King's inheritance stands on the power of a few? God forbid it should! The King's protection stands upon the love of his people, and that love of the people will always support the Crown, as the love of every people upon earth will always support its government, as long as government shews itself attentive to the wishes of that people.

Gentlemen, this is not all. I am sorry, very sorry to hear every man considered as a traitor who talks about the rights of man. The rights of man is the foundation of all government; and it shall not be fastened upon the unfortunate man at the bar, that he meant to introduce anarchy and bloodshed, because, unhappily, there was a convulsion that destroyed every thing in France, but, concerning which, we say, in one of the letters that has been read, that we stand in a different condition. As to that very paper which was wrote by a gentleman for whom I have a very great respect, there may be expressions in it that may have proceeded from warmth of temper, and youthful indiscretion, and which, perhaps, he himself would not desire me to justify; but I will justify his intention, particularly as it is said in the letter, we are not driven to do as they have done in France, because this country is not in the same situation---because we have a better government: and I am sure, there is not a man more zealously

zealously attached to the constitution than this man now before you.

Gentlemen, before I go to the Duke of Richmond's description of it, I will give you something that is fixed a little more in my memory; and that is, the great uproar you remember some years ago when the administration was turned out upon invading, as it was supposed at that time, the charter of the East India Company. At that time Mr. Burke, of whose motives and intentions I mean to say nothing, was with that administration that were turned out, and took fire at a particular expression made by the opposition at that time against the India bill of Mr. Fox's, which was, that it was an attack upon *the chartered rights of man*. Mr. Burke says, "As to the first of these objections, I must observe, that the phrase *the chartered rights of man*, is full of affectation, and very unusual in the discussion of privileges conferred by charter of the present description; but it is not difficult to discover what end that ambiguous mode of expression, so often reiterated, is meant to answer. The rights of man are sacred things."

Gentlemen, his Majesty has no other authority, his Majesty is called to the Crown upon the very supposition that the ancient Kings of this country abused their government by cruel and infamous trials; by still more cruel and infamous punishments; by packing Juries; by governing them by the terror of arms, and not by affection: and when King William came to the Crown the people of England did not meet, it was not necessary, because the universal voice of the people was so well known, as to that scandalous corruption which had before prevailed, that there was no occasion to call the whole people together; this therefore gave King William an unlimited right to the Crown. Then, what was the origin of the government? The King recognizing their rights under a law which all men know and revere---the Bill of Rights---rights which they always had, and you will see by and by, that the denial of that proposition brought Mr. Paine into this country, or else he never would have been an author. The French had pulled down a system of corruption and tyranny, so enfeebled by its own inherent defects, that it was ready to fall of its own accord. Mr. Burke, in a book which I have here, entitled "Reflections upon the French Revolution," asserts, that they had no right to do this, and the whole of Mr. Paine's First Part of the Rights of Man has no more to do with this country than it has with Japan, or with any other. It was written to defend the conduct of the French; but a book called an Appeal from the New to the Old Whigs, applied it to the government of this country. Mr. Burke says, the people had no right to do it; and he wrote a book upon that subject. Mr. Paine, being himself a Republican, wrote an answer to it, and threw in much stuff about Monarchy, which had nothing to do with the main question;

question; and as these people, and all people almost rejoiced originally in the destruction of French despotism, though I detest much those enormities that have since happened, which are horrid to think of, and which might have been prevented, at least a great deal of it, yet they vindicated the right of a people to change their government; and a great number of ambiguities which these people are supposed to utter I have uttered, and will utter every day of my life; I would say this---I say, that an attempt by combined powers, with despotic powers, to interfere with the government which any people choose to give themselves, good or evil, I have opposed; and always will oppose the right of a despotic power to prevent the people from forming a government for themselves, of the sweet or bitter fruits of which they must themselves eat. It is not lawful for me to utter my detestation, but how do I know that the French would say, you shall have our government? If they did, I would say to them, if you like your republican form of government, have it; but were they to say, we insist upon your having a Republic, and were they to land here to compel us to do so, I should no longer hold these papers in my hand, I know a better trade if the point came to that; I would say, and I would vindicate it too, that the people of England have a right to choose their own government. The more the people are enlightened, the more they have their rights, the less danger is there to the Crown; and therefore I cannot apprehend that these people had any such intentions as are imputed to them. A great many of these papers are ill worded; I do not vindicate them, they are extremely rash and improper, and of which I shall say a great deal when I come to them. The Duke of Richmond's plan was expressly founded upon the rights of man, and that is the reason that these people were so taken with the idea; and Mr. Yorke's was the same; for they took up the idea from Mr. Locke; and I was much obliged to Mr. White for the fair and honourable way in which he read Mr. Yorke's address---loud, clear, and distinctly, as a man ought to read, who reads that which should be attended to; and I believe it affected every man who heard it: but a great part of it Mr. Yorke must not have the credit of, because he got a great part of it from Mr. Locke; it seems to be word for word in several parts. But I will read you what the Duke of Richmond himself says.

Gentlemen, what I am going to read was written to the High Sheriff of the County of Sussex, when a plan was in agitation for reforming Parliament, in the year 1780, and there his Grace says this, and there is a great deal of admirable good sense in it. "My ideas of Reform undoubtedly go to one that shall be complete and general throughout the kingdom. I see such fatal consequences arise from the present partial and accidental state of elections, that I cannot take upon me to propose any new mode that partakes of the same defects. If we do not differ from the

abettors of corruption upon the broad principles of inequality in elections, and the universal right of the people," it is not a matter of convenience but the "universal right of the people to be represented, and are contending only for a degree of partiality more or less, I fear our ground is not sound, if we mean only to substitute partiality for partiality, and are struggling but for its extent: one man's whim may be as good as another's conceit, and we have nothing certain to direct us; and if inequality is still to subsist, the advocates of the present system will have the sanction of time and the risk of changes to oppose to us, which will have their weight, when it is but for a change of partiality that we contend.

"I have thought that a Parliamentary Reform had much more simple and unerring guides to lead us to our end, I mean the true principles of the constitution and the rights of the people. If these exist, I do not consider myself at liberty to speculate upon systems. I have no choice but to give to every man his own.

"But this, it seems, is by some thought impracticable; and the Rev. Mr. Wyvil, in his letter of the 7th of December, to Alderman Crosby, as Chairman of the Committee of the Livery of London, which has been published, very concisely decides it to be so; for I presume the objection of impracticability is not confined to my plan, which I conceive he has never seen, but to the extent of the idea; and yet Mr. Wyvil, in the second address of the Yorkshire Committee to the Electors in Great Britain, speaking of the more and less extensive plan, says, 'That the diversity of sentiments does not arise from a difference of political principles, for in them there is an entire agreement; but solely from considerations of a prudential nature.'

"How far it is wise for those who entirely agree in principles upon the rights of men, to endeavour to persuade them that the recovery of their birth-rights and most essential interests are not reducible to practice, nor attainable by any regular or constitutional efforts of theirs, is what I must leave to others to determine. But the truth of this assertion is what I can never subscribe to. I cannot but think that this nation," not a handful of men in the nation, by no means, but that the nation itself, "ever has its own power by peaceful and constitutional efforts to do itself justice, and that nothing can render attempts for this purpose impracticable, but either a general indolence and indifference to all that requires exertion, though for the noblest purposes, or such prejudices to favourite systems as shall divide the people." And after this there is this remarkable passage: "I shall most sincerely hope that plan may be found attainable; but I never can consent to tell the people, and I hope in God they never will believe, that the recovery of any right, which nature and the constitution has given them, is impracticable. On the contrary,

contrary, convinced myself, I wish them ever to believe, that whenever they please to claim them, they will and must have the full extent of their rights."

And how were they to have them? Not by rebellion, but by peaceful and constitutional efforts, which peaceful and constitutional efforts can be made in no other way than by collecting the sentiments of the people; and if, in collecting those sentiments, they write libels, they must be punished for them; if they resist a Justice of the Peace, in the execution of his authority, they must be indicted for the riot; if they do any thing that is reprehensible, or contrary to the duty of peaceable subjects, let the law fasten upon them; but it can never be said that when they were meeting to consider how to bring about a Parliamentary Reform, and which purpose is fairly imputable to them, certainly it cannot be said that they are guilty of that exalted and that exorbitant tremendous crime laid to their charge upon the face of this indictment.

Gentlemen, Mr. Attorney General has said this, and whatever falls from a Gentleman of his just rank and education deserves great attention; he says, what could they mean to do, for they were resolved not to petition, which, by the bye, is not proved; but on the contrary it was proved by the Crown witnesses that they did intend to petition: but supposing it to be so, is there no way in which meetings of the people to consider how to obtain a Reform can be brought about without petitioning the House of Commons? There are other ways in which they may take into consideration the state of the representation; you may have conventions, or meetings, to consider what you shall do when the Parliament are dissolved. My learned friend forgets that the Parliament dies a natural death, and that the people then possess their rights again; and when you have Annual Parliaments if your representatives betray you, if they do not answer your purpose, you have then an opportunity to choose others in their room. There is no necessity of choosing the same representatives, therefore they may say when they come to choose the next Parliament, we will vote for no person who is disposed to resist our natural right; we will choose no man who has voted for a calamitous war, and who has loaded us with taxes; we will vote for none that will not call us, the people, their constituents; we will not hear them when they come to solicit our votes: but a few individuals cannot prevail, and therefore, we wish to collect the general opinion; and we will not assemble in great numbers, but, to prevent tumult and riot, each particular district sends one trusty person to meet those of other societies, in order to consider how they may best obtain, not by war and rebellion, but by peaceable and constitutional means, those just rights which it is their privilege to claim, consistent with the justice and the law of the country; but this the people must do themselves, because a court

of justice could not do it for them, consistently with the administration of the law: but a court of justice could do that which it is called upon to do in this case; a court of justice could take notice of every thing that marks the intention of the man to that which is legal for him to do in the exercise of his rights, but it would not on any presumption of evil intention punish any man for legal acts done in pursuit of these rights.

Gentlemen, the next thing I will advert to, is an argument the Attorney General made use of, as if this must be by implied force, that supposing it could have had the effect on the House of Commons, in making the House feel the vast impression of the public mind, for the public mind always has a great weight in the House of Commons, yet that if the Parliament was to carry up a bill for the royal assent, for universal suffrage, that the King was bound to reject it; that the King could not, without a breach of his coronation oath, consent to it. I cannot conceive where my learned friend learns that; and if my learned friend could prove that we had sent up such a bill, had all the insignia of authority before us, and had called upon the magistrates to protect us, that we considered ourselves the legislature, and sent up a bill to the King, he would have been in a different condition to that which he is in now; but, on the contrary, that the greatest men have considered that the King might grant them this without the House of Commons. I never heard the thing argued but from the Articles of Union with Scotland, and I think, that by the union with Scotland, the King might grant Annual Parliaments and Universal Suffrage; he might do it without the consent of the House of Commons, at least it was the opinion of Mr. Locke, a man next to the immortal Newton, who wrote in defence of King William's title to the throne, and whose writings are known to every man who hears me; who states that right of the King on this ground, that he has always a right to do that which is absolutely necessary for the good of the people. He says, "Things of this world are in so constant a flux, that nothing remains long in the same state. Thus, people, riches, trade, power, change their stations, flourishing mighty cities come to ruin, and prove, in time, neglected desolate corners, whilst other unfrequented places grow into populous countries, filled with wealth and inhabitants. But things, not always changing equally, and private interest often keeping up customs and privileges when the reasons of them are ceased, it often comes to pass, that in governments, where part of the legislature consists of representatives chosen by the people, that, in time, this representation becomes very unequal and disproportionate to the reasons it was first established upon. To what gross absurdities the following of custom, when reason has left it, may lead, we may be satisfied when we see the bare name of a town, of which there remains not so much as the ruins, where scarce so much housing as a sheep

sheep cote, or more inhabitants than a shepherd, is to be found, send as many representatives to the grand assembly of law-makers as a whole county, numerous in people and powerful in riches. This strangers stand amazed at, and every one must confess needs a remedy, though most think it hard to find one, because the constitution of the legislature being the original and supreme act of the society antecedent to all positive laws in it, and depending wholly on the people, no inferior power can alter it; and therefore the people, when the legislature is once constituted, having, in such a government as we have been speaking of, no power to act as long as the government stands, this inconvenience is thought incapable of a remedy.

“*Salus populi suprema lex*, is certainly so just and fundamental a rule, that he who sincerely follows it cannot dangerously err. If, therefore, the executive, which has the power of convoking the legislative, observing rather the true proportion than fashion of representation, regulates not by old custom but true reason, the number of members in all places that have a right to be distinctly represented, which no part of the people, however incorporated, can pretend to, but in proportion to the assistance which it affords to the public; it cannot be judged to have set up a new legislature, but to have restored the old and true one, and to have rectified the disorders which succession of time had insensibly, as well as inevitably, introduced; for it being the interest as well as intention of the people to have a fair and equal representation, whoever brings it nearest to that is an undoubted friend to, and establisher of the government, and cannot miss the consent and approbation of the community; prerogative being nothing but a power in the hands of the prince to provide for the public good in such cases, which, depending upon unforeseen and uncertain occurrences, certain and unalterable laws could not safely direct; whatsoever shall be done manifestly for the good of the people, and the establishing of the government upon its true foundation, is, and always will be, just prerogative.” And then he goes on to argue that, upon that ground, the King might grant that universal representation of the people, and the consent of the people coming not by the act of the people pulling down all law, assuming the authority of the House of Commons, and beating down every thing, but shewing it, by the widely expanding influence of opinion, Parliament might at last feel its interest in doing that which it is to the interest of the country to be done.

Gentlemen, you ought to know that this book I am reading, and which I hold in my hand, was written by this immortal man, Mr. Locke, in defence of King William's title to the crown, against those Jacobites who said that William was a usurper; and when Dr. Sacheverell attempted to refute the doctrines it contained, by resorting to the exploded doctrines of divine hereditary right and non-resistance, he was impeached by the Com-

trons of England, and found guilty by the Peers for asserting those principles.

Gentlemen, if I were to go through all the matter that I have collected before me, all that intrudes itself upon one's mind on a subject of this sort, I know not when I should get through with it. My strength would fail me. I had very little when I came into Court, and I have infinitely less now. Therefore, I must recollect that I have more matter before me on my hand, and proceed to it.

Gentlemen, the next thing I shall proceed to is to recapitulate such parts of the evidence as I think material for the proper understanding of this case. I have had no opportunity to consider it, or to think upon it, but in the interval which the indulgence of the Court and your indulgence has afforded me, and that has been a very few hours this morning. But it occurred to me, that the best use I could make of my time, and to disembarass this cause, was to take it in order of time, to see how it began, how it went on, and what were the stages and resting-places, in order that you might be able to collect it distinctly, as far as relates to the written evidence, and then to see how that written evidence is affected by the parole evidence in the cause.

The first that can apply to the London Corresponding Society is their original address, and the resolutions that they voted upon it. It was written at the time when they intended to correspond with the society which had been before instituted under the name of the Constitutional Society, which had been for a long time filled with very respectable and illustrious persons. The London Corresponding Society, most undoubtedly, did not conceive, that in associating with the members of this society, they were guilty of any misdemeanour; if they had, they would certainly not have made it public. Therefore, we are not so much to look at what is here imputed, as what is *bona fide*; and we shall see there is not a shadow to think it otherwise. And I might ask any man, if, in the history of mankind, there is an instance of a plot all carried on in the public newspapers, and in the open daylight; and a letter carried and a receipt got from the Post-office to the Secretary of State, in order that government might know what they were about, what was going on. This paper I remember being sent to me.

And here I will say a word of the tremendous sort of evidence that has been offered in this cause. If they found a pamphlet, or a song---there was a song, for instance, found in the possession of Mr. Hardy, which had never been spoke of in the society---which had never been recommended in the society---which might have been sent to him by some spies---or might, for any thing that appears in the cause, have been thrown down his area---But it is found upon him, and he is supposed to adopt all the sentiments that are found in this song. Why, Gentlemen, if this
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sort of evidence is to be adduced as a proof of high treason, and I was to be taken into custody, and my house were to be searched, and all the papers that I have were seized, there might be books enough found in my house to hang me and my whole family.

Gentlemen, I hope this is the first time, and the last, that such sort of evidence will be produced, unless some conduct corresponds with it. I took a note of a very indecent song that had been left with Mr. Hardy; and I find that there is no evidence that Mr. Hardy had ever spoke of that song; and, particularly, that it was in a letter addressed to him---*Mr. Hardy, shoemaker, Piccadilly*. So then, if a man chooses to send me a song, and I throw it away with detestation; or, because I am busy, I may throw it on one side, and am taken up immediately after, this song is to be produced in evidence against me.

Gentlemen, the first thing you have to look to is this address, and the object of it is exactly upon the plan of the Duke of Richmond; all the resolutions are to the same effect, and it is accompanied with a declaration. And if you choose to compare it with the Duke of Richmond's letter to Colonel Sharman--- if you choose to compare it with the conduct of Honourable Gentlemen in Court, who, in 1780, sat in the city of London as delegates for Westminster; for Honourable Gentlemen are here who sat as delegates---and, what is more, just before this Convention began to meet in Edinburgh, there was a meeting in Edinburgh of delegates from the counties of Scotland, for altering the constitution of Parliament: and why should the Duke of Richmond take all the *bona fide's* upon himself, and the prisoner all the *mala fide's*. There was a meeting in Edinburgh, of which my Lord Abercrombie was chairman; the Lord Advocate of Scotland, an honourable person to whom I am very near allied, and in which alliance I am very proud, all the Bar of that country belonged to it, and who, I am sure, love their country; but they, perhaps, were more cautious than these people in what they put to paper.

Gentlemen, the Convention met in the spring of 1793, at Edinburgh. Before that time an application had been made to the House of Commons to alter the election laws of Scotland. That motion was refused in the House of Commons. They had a right to refuse it, and nobody has a right to compel them. I do not contend for any such thing. It was refused---they would not hear the complaint at all. There was a meeting, a Convention so called, held in the city of Edinburgh, of delegates from all the different counties in Scotland, to consider of the best means of obtaining reform in the election of the House of Commons. That is it, Gentlemen. I will read you their resolution. It was held in Edinburgh, January, 1793. The Lord Chief Baron of Scotland in the chair; Sir Thomas Dundas, lately created a peer of Great Britain, intending most honourably

honourably to promote the cause by all means, and Sir Thomas Dundas himself (I will prove it) brought up the resolution which they published in all the newspapers, sent it to the editor of the Morning Chronicle, paid him for the insertion of it, and he inserted it from the copy given him by Sir Thomas Dundas, now Lord Dundas. And I will prove it, that the Dean and Faculty, and many other honourable persons, assembled for altering and amending the election laws; not for petitioning to amend them, but for altering and amending them. Now, for any man to say it was impudent and dishonourable in such respectable persons, is libellous and scandalous; for I say it would be very unfair to put different constructions on people's expressions than they mean. When these people were delegates chosen from all the various parts of Scotland for the purpose, they all met, and they sat in Convention; and it was soon after that you will find that the British Convention in Scotland sat for the purpose of obtaining parliamentary reform, building themselves upon the Duke of Richmond's plan in 1780, of sending delegates; because delegates had been sent in 1780---because delegates were at that time sitting; and they framed a bill; and after they had framed that bill, they debated it clause by clause; and, after that, they sent it to the different counties for consideration. Will you say that they endeavoured to pull down his Majesty from his throne, because they met in Convention? Surely not.

Gentlemen, in the book which I hold in my hand, which is the first piece of evidence, you will find the clear distinct object to be this:---by all legal, peaceable, and constitutional measures, to obtain a reform in the representation of the people in Parliament. Have I not a right, as Counsel for these men, against whom not a contumelious expression has been heard against the government or his Majesty,---nothing but a farrago of hot speeches by other people, have I not a right to ask, that you give their declaration the same meaning as you would others? Are you to give the Duke of Richmond, and all those other persons, credit for meaning that which was right, and fasten upon my client treason, rebellion, murder, and murder of the most detestable sort, for only making use of the same expressions?

Gentlemen, there was a silence in Court, and I do not mean to say that the silence should have more impression upon you than it ought. I hope not to say any thing to give offence to any body; but this was read with a great deal of *eclat*. It is in verse.

- " Unblest by virtue, government a league
- " Becomes, a circling junto of the great,
- " To rob by law; religion mild, a yoke
- " To tame the stooping soul, a trick of state
- " To mask their rapine, and to share the prey.
- " What are without it senates, save a face

" Of consultation deep and reason free,
 " While the determin'd voice and heart are fold ?
 " What boasted freedom, save a sounding name ?
 " And what election, but a market vile
 " Of slaves self-barter'd ?———"

Read through that paper, and give me the parallel of it. No, there is no man living can; I am sorry to say it, that the age, with all its light, does not afford such a poet as wrote that. These are the words of Thomson, written under the roof of Lord Lyttleton; and these men are supposed to be letting in murder and bloodshed under the shade of that great and good man, whose pedestal, and whose tomb you may see in the shades of Hagley, placed there by the great Lord Lyttleton, one of the best men this country ever knew; whom his Majesty took under his patronage; and when deserted, as men of genius too often are, perhaps at Carlton-house, the then Heir Apparent to the Crown took pity upon this great man, and the poem on Liberty was written under his patronage, who thought, no doubt, that it was the best way and most secure that the liberty of the Subject, and the rights of the Crown, should be intertwined together; and I rejoice to find my name among the list of those who are to send down his name to posterity, and to whose memory a monument is to be erected in his own native country, owing to that independent spirit which shows itself in the cause of liberty; and yet this man is to be hanged in 1794, and it is to be presumed that he means robbery, murder, and bloodshed, because the first act of their society is ushered in under the banners of this great man, of this delightful poet and friend to the constitution of Great Britain.

Gentlemen, the next piece of evidence is a letter from Norwich, dated 11th November, 1792, on which great comments have been made, but which I do think, and shall think as long as I am capable of thought, is the thing that shews the *bona fides* of this society---they have a letter from Norwich, dated 11th November, 1792, (see page 165 of this work,) which letter, they say, shows, that even as early as the year 1792, they designed to subvert the government, and rip up the monarchy; and see how this is made out. The Norwich society for political information say they are " desirous of holding and strenuously supporting the noble sentiments which you so lately and friendly dispersed among us." They then state that they had sent three members to be incorporated into their society. Then these doubts occur to them, and you will please to attend to them. " Our principal design is, that we may have an opportunity of knowing more exactly what may be thought the most eligible steps to be taken in carrying on this great business of our associated brethren; and to have an opportunity to ask such sort of questions as may be thought very reasonable among the brethren, especially when we think that publications are covered with a sort of obscurity in them, as the

Sheffield people's declaration." Now observe, "the Sheffield people's declaration, which seemed determined to support the Duke of Richmond's plan only; but since we find, in a printed letter received from them in a book, that they mean to abide by some moderate reform, as may hereafter be brought forward by the Friends of the People, which method is uncertain to us."

So that although they, the people of Sheffield, are supposed to have meant from the beginning anarchy, murder, and rebellion, yet the persons to whom they are writing admit it with no secrecy; they know what it is, they say the Sheffield people go upon the Duke of Richmond's plan; they say the Society of the Friends of the People, whose proceedings have been read to you, do not intend to go so far; therefore they go on and say, that their method was to them an uncertainty: one man's whim is as good as another's conceit; and that was the objection in the House of Commons. Tell us what sort of a reform it is you want: we cannot grant it you unless you tell us what it is you are wishing to obtain. Again, "We find that the Friends of the People, and the Society for Constitutional Information do not exactly agree---we would be glad to know the reason. It seems to me, as though the difference was this:---the Friends of the People mean only a partial reform, because they leave out the words expressing the Duke of Richmond's plan, and talk only of reform, while the Manchester people"---I will pause here a moment; here is one honest set of men writing to another: in the name of God what reason upon earth is there to suppose that they do not mean what they write? How are men to be tried, or whoever tried any man upon such grounds? Then they say, and I will give the gentlemen on the other side all the benefit of it: "While the Manchester people seem to intimate, by addressing Mr. Paine," which I think a very foolish thing, and a very wrong thing; but I will tell you all about that by and by; "as though they were intent upon republican principles only. Now to come closer to the main question, it is only desired to know whether the generality of the societies mean to rest satisfied with the Duke of Richmond's plan only, or whether it is their private design to rip up monarchy by the roots, and place democracy in its stead. I shall now, Sir, give you an exact account of what plan I could wish to obtain, which I have already moved for at our general meeting, viz. a full and equal representation of the whole body of the people, a general suffrage of votes, and annual Parliaments."

Now, if this conspiracy is proved at all, it is not a conspiracy of four or five persons, but it is a conspiracy, or great part of this evidence could not have been given, of perhaps 40,000 people, for aught I know, all of whom are involved in the pains and penalties of the law, and are tenants at the will of my honourable friend the Attorney General, if this man at the bar could

could be convicted, who might follow up the conviction to all the associated societies. The author of this says, "he has proposed at his meeting, and it has been adopted, the Duke of Richmond's plan;" says he, "we mean to obtain universal suffrage and annual Parliaments;" yet my learned friend says, ah! but universal suffrage and annual Parliaments mean Cromwell's parliament, when put in opposition to that which is stated on the face of the letter.

Now, Gentlemen, the London Corresponding Society in answer write this letter, which I have copied, because it was not printed; they say, they recapitulate in their letter what the Norwich people had wrote, and which I see attracted the attention of the Court: it is exactly just as one tradesman writes to another, Sir, I have received your letter, as all men of business do it; they write again, and say, we have received your letter, and we have sent you our addresses; you write to us your propositions as to what we mean to abide by. The Attorney General says, it is lamely expressed; I say it is not: but they go on and say, "Let your endeavours go on to increase the numbers of those who wish for a free, full, and equal representation of the people, and leave to a Parliament, so chosen, to form plans for remedying the existing abuses. Should they not then answer your expectations at the year's end, you may choose others in their stead." Why then, this is an answer to those who state what they mean by an equal representation of the people, as opposed to ripping up monarchy by the roots, or opposed to any other species of government; upon what principle then can it be said this is not a *bona fide* answer? Let us see if they go on with it.

Gentlemen, the next thing we have to go to is this Convention at Edinburgh; a letter had been written by Mr. Skirving, which Mr. Skirving was connected with these very societies who had been all in correspondence together upon one general plan, and Mr. Skirving proposed there should be a Convention held in Edinburgh.

Gentlemen, you will recollect the opening of the Attorney General; he considers that the origin of all this business was in the Corresponding Society at London; and that all those other societies were tools in their hands; whereas the project of a Convention does not originate with either of these societies, but in Edinburgh, where there was a Convention holding at that very time, for Mr. Skirving's letter is dated at the same time, in October 1793; and in January, in that year 1793, the Lord Chief Baron in the chair, was holding a Convention to obtain this reform of Parliament; and it was nothing but natural that they should make use of the same name, and have delegates as well as they; in consequence of that Mr. Skirving writes to London; and here is the answer and instructions that are given.

Now, Gentlemen, I have often heard it said in a court of justice, if I constitute an agent, I am bound by what he does, always minding this, *within the scope of his agency*. If I send a man to buy horses for me, if he steals them, or commits high treason, I hope I am not to be hanged for that; if he goes beyond my instruction I am not responsible for it; and therefore, as far as it affects me, you are not advanced one single step in your journey. Now then you are to see what are the instructions given to Mr. Skirving, and then let the Solicitor General show me any counter instructions that he has---can he show me any secret instructions, contradictory of these public instructions? No such thing; you have no such syllable of evidence in the cause. Now I will read the instructions to you: "The delegates are instructed, on the part of this society, to assist in bringing forward and supporting any constitutional measures for procuring a real representation of the Commons of Great Britain." Now, what do you say to that? How is a man to express himself who wants a reform? Here is no ambiguity, it is the instructions, the letter of attorney for one man to act for another; so far a man has a right to act; it was reckoned right in Ireland; therefore, to prevent holding a Convention in Ireland, they passed there a Convention Bill, and made it a misdemeanour. Mind, Gentlemen, I am not vindicating any thing that can be raising disorder in the country, but I say it will almost come certainly in the country when a man is not entitled to the benefit of the laws and constitution of his country. If a man has done wrong, he must be punished according to the measure of that wrong; if he is turbulent, he must be punished as a turbulent person; if he has written a libel on the administration and government of the country, he must be punished as such; but you must not, you shall not strain the law of King Edward III. and say that a man has compassed the death of the King, that he has attacked the sacred life of the King, because he has gone to work in an irregular way to obtain a reform, by means that may be open to a great deal of observation as far as it goes; but you shall not, because of irregularity, by construction be dragging forward into a court of justice, a great mass of evidence, and say that is provably convicting a man. A man could not sleep in his bed after such a conviction. Why then, here are the instructions of the Constitutional Society to their delegates, joining those instructions of the Corresponding Society, and the Convention sits. Now let us see what is the proposition of the Attorney General, and what is it upon which the Crown lawyers ask you to condemn the prisoner at the bar with death: it is not that he endeavoured, by riot and tumult, to compel the House of Commons to pass a law by force; for if they had gone to the gates of the House of Commons, and said they would have a reform in Parliament, they might have been indicted for

for levying war, I avow, against the King, which is another sort of treason, as Lord George Gordon was, who was acquitted, because the Jury did not think there was sufficient evidence of his intention; and I believe as they did, and I know that the Jury who acquitted that most unfortunate person were always satisfied they did: and you will see, in the Life of Dr. Johnson, that he said, "I hate Lord George Gordon, but I am glad that he was not convicted of this constructive treason; because, though I do hate him, I love my country, and I love myself." That stubborn reasoner, Dr. Johnson, said this in his zeal for justice; and this is a time when I have a right to call upon you, by every thing that is sacred, for justice; he did not wish to see a law broken down. I have a right to call upon you, upon every thing that can possibly affect men with principles of justice, to listen to me with the greatest attention. You will consider I stand here for an humble individual at the bar; you will consider that the country has been violently agitated; you will consider that I have the whole authority of the Crown against me; you will consider that the Parliament has been sitting upon *ex parte* evidence, without hearing the other side: I am not finding fault with Parliament, but they come with such a weight, that it requires all the piercing eye of reason, under the guidance of the most genuine humanity; it requires firmness, manliness, and integrity, to do justice in such a cause; and I am utterly astonished when I look at the clock, and see how long I have been speaking to you, that I am still on my legs. I feel my mind wounded, agitated, irritated, and distressed, that if this cause should miscarry, though I know that I shall have justice done me for the honest intention of exerting myself in the defence of that poor man who stands there at the hazard of his life, yet I know what I say, when I say, if on this evidence in England a man can be convicted of high treason, of this accumulative and constructive sort, it will be attended with dangerous consequences; no man will know whether he has a life that he can possibly call his own, or that he is safe for a single moment, when he does not know from what source it may be attacked, or what evidence may be thrown on him in order to destroy his life.

Gentlemen, where is the limit of this conspiracy? Is it between the committee of correspondence and co-operation, who are the agents of other people? Are they only to be guilty, or the whole Constitutional Society, or the whole Corresponding Society; or all the populous towns in England and all their manufacturers involved in it? You would not leave the King half his subjects if you were to carry such a law into execution. We stand in a situation which requires the greatest prudence, which requires the greatest caution; and we ought, at a time when men are finding fault with their governments, we ought to show that our government ought to be protected, because of the benefits it brings
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along with it. And from those countries where corruption has proceeded so far as to sap the foundations of their governments, the people of Europe will fly here for sanctuary and protection, when they read the account of this trial; they would come here with their flying families, with their little savings from the general wreck, as the dreadful unhappy consequences of not attending to proper and timely reforms, but suffering corruptions to come to such a head as to cause the whole fabrick of their government to fall into ruin. They would come to this country, and would say, Long live the King! They would say, Long live the constitution of England!--this is the only sanctuary that will protect us. For although the House of Commons have declared men guilty upon *ex parte* evidence, and tried all ways and means to have every man suspected as a Jacobin, and delivered over to detestation, all this will not do in England: and although the Jurors are men that love the constitution---are men attached to your King, as I hope you are, if you are men attached to the constitution in all its forms, and, above all, to the administration of justice, that stands upon them---all this would not do in England; the Jury gave no verdict of approbation or disapprobation of what was done by the prisoner at the bar, but, like honest men, they looked to the law as their great pole-star to direct them in the course of their duty; and upon the most trying occasion that ever fell to the lot of humanity, acquitted a plain honest Englishman of the crime of treason, which his heart detested, and which there was no evidence given to establish.---Then we have a constitution glorious indeed! and whatever else is gone away from us, yet we have a sheet-anchor still remaining, which keeps up the vessel of state. And, I trust, amidst all the shocks of party---amidst all the turbulencies of state, you will have the administration of justice pure and un sullied in the integrity and independence of the English bar. The Counsel for the Crown must come forward and do the duty assigned to them, as I come forward, whatever may be the consequence, to defend the innocence of him who is charged by the laws of the country with the crime of high treason.

Gentlemen, the papers of this Convention were all seized by government. What their proceedings were they best know; we can only see what part they choose to show us; and that is only such parts selected as they think fit, to show what is necessary for them to show. And I ask you the question, is there any man---for there again, when one compares France, while under a despotic government (where men were hurried away in secret) to an enlightened assembly, full of ears and eyes, and intelligence; where a man is speaking to a Jury, he is speaking to the country at large---I say, is there a man within the reach of my voice that will say it is within the compass of human belief, for 20,000*l.* a year and a dukedom for believing it, that this Convention assumed

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all the functions and authorities of the state? He might say so, to be sure, for the sake of the dukedom and 20,000*l.* a year; but it is not within the compass of human credulity to believe it.

They met there for the purpose of obtaining their reform in a constitutional manner. How is any other intention proved? What were these funds for carrying the vast designs imputed to them into execution?---7*s.* one day, 9*s.* another, and in the whole, I think, 15*l.* odd, in the session of Parliament---but I must deduct two bad shillings. If they were, in fact, the Parliament, and considered themselves as representatives of the whole people, they had got their reform, they had nothing more to consider about. Which will you have then? Were they a Convention of the Societies, or a Convention of the People? If they were a Convention of the Societies, the thing is over, because all their language is, that every thing is to be done, whenever the Parliament come to see it, so and so. And the very man whose book they so imprudently published---of which I shall say something to you by and by, and show how it happened; this is a book of six or seven hundred pages; and Mr. Paine, with all his enmity to monarchy, never inculcated that his plan was to be executed by force, if he had, I apprehend, it would have been high treason; but they did not try him for high treason, he was indicted for a misdemeanour---He says, that the people of a country have a right to change its government. And I know some of the greatest lawyers in England, nay, the Attorney General then said, the question is not, what the people have a right to do, for the people undoubtedly are the origin and foundation of government; but if a man will call on the people to exercise their right, as it goes to unsettle a state, therefore the propagation of those doctrines are seditious. There is no other way of describing a libel than that. You say the people of England have a right to change their government---it is a truism, for they have changed their government: but if I write books to make the people discontented with their form of government, and say to them, Change your government---get rid of it as soon as you can, and go about desiring the people to do this without force, it is a misdemeanour. And now I will show you what the law is upon that important branch of it, in the case of a publication of a libel. The greatest names in the law have been at the greatest variance upon that subject. The greatest men have considered, that when you establish the fact of the publication, the intention was matter of law, that the charge was the publication. But Lord Mansfield, long before the libel bill was ever thought of, said this; and I know it was his opinion, as delivered in the case of the King and Woodfall, in the 5th of Burrows's Reports. He says, "Where the act is complete crime, there the intention is the inference of the law, if the defendant calls

on witnesses to rebut it; but where the act is indifferent, or that the crime is only criminal in a certain degree, and the crime consists in that act being done with a particular intention, there the intention is matter of fact, and matter of evidence for the Jury." And therefore, although in a long current of time other criminal laws have undergone various alterations, yet so tender have the Parliament been of this point, that they have made no alteration at all as to treason; and here the crime is the intention---In other cases, it must be the act. In this case you cannot say I compass the King's death without intending it. And yet, Gentlemen, it has been said by some, it was said by the Lord Chief Justice Clerk in Scotland, from whom, it seems, we are to take our lesson upon the subject of high treason, that a man might be guilty of high treason without intending it. He might be guilty of levying war, because if he gets by accident into a situation with arms, he is doing a thing that is rebellious, though he never read the act of Edward III. but he cannot be indicted for compassing the King's death without intending it. And I will give up the cause this moment, if it is possible for any man to tell me, that it is not necessary that the Jury should believe that the party did intend doing the act, and knew the medium by which that intention was to be brought about, and not making the law say he is guilty from the inevitable consequences, but by intending to bring about such a circumstance. I say, this is so far from being a like case of attacking the King, that I declare I think there is no way in which the King's life could be better secured, or more likely to be permanent, than by a more full and equal representation of the people; and that meeting and consulting to bring about that end has no aspect as that imputed in this indictment of compassing the King's death, but bears quite the other way.

Gentlemen, this Convention was seized.---Did they pass a law? Did they levy money? Did they assume the functions of Parliament? The Crown can indemnify whom they will. The Attorney General need not bring spies here; he can secure any person to become evidence, though he has been, *bona fide*, engaged in the transaction himself: the King may grant him a pardon, and he might have had the whole society to prove the prisoner guilty of high treason. And, Gentlemen, the delegates could not commit high treason if their constituents did not intend it. Then, if you say we invested it in the constituents, you must involve in the pains of treason, or, at least, in a trial for treason, which is almost as bad as the treason itself---I say, you must involve in the horrors and apprehensions of pains and prosecution, every man who has corresponded with these societies, because every man who has corresponded with them is a party in the conspiracy. Then every thing that any man has said or wrote to them, he is to take a trial for, whereby he
wastes

wastes his strength, and, perhaps, what is worse, is to be deprived of life; but which I do not fear, when I have these honourable Gentlemen before me.

Gentlemen, when this Convention were dispersed, how were they dispersed? When the magistrates came in, Margarot was in the chair, and he would not leave it, because he considered that he was doing no harm, and that the object of their meeting was a legal and constitutional one. I will not here discuss whether it was so or not, because I will not go out of my way to discuss unnecessary questions; but he thought it was legal and constitutional, and therefore he refused. He said, "No, I will not leave the chair;" till the Lord Provost touched him on the shoulder, and the Convention broke up.

Thus terminated this Convention---this great Parliament; and after it had broke up, Mr. Muir, Mr. Palmer, Mr. Skirving, Mr. Margarot, and some others, were brought to their trials. For what? Not for high treason, but for a misdemeanour. If the Magistrates and Judges of Edinburgh had thought that the holding of that Convention was high treason, who is to answer for the misprision of that treason? They were prosecuted for a misdemeanour. I think they were wrongfully convicted. I delivered that sentiment, as far as my vote would go in the House of Commons, that they were so; and I wished to have an opportunity, as I may still, to see what was done upon that occasion.

On the trial of Mr. Muir, challenges of Jurors who had proscribed him were rejected, several objections in point of law over-ruled, and several in point of evidence were also over-ruled. I am sorry the Constitutional Society have wrote in the way they have concerning it. I do not approve of it. But you must always extenuate what men do in great heat. They saw these men, whom they esteemed as their friends, and who, in their consciences they believed had done no harm, but endeavoured peaceably to enlighten the minds of their neighbours upon subjects of the greatest importance---they saw them the first victims of a tremendous sentence equivalent to felony, such as I know never happened before---I think, never will happen again with impunity. And yet, since we are upon the subject, I shall throw no aspersions; but I will say this, that men may be mistaken---and I think they were mistaken. I know they were mistaken: and I am extremely sorry they have conducted those judgements in the way that they have. Why, Gentlemen, as much of the evidence in this cause as consumed half a day was anathemas against the Judges for those sentences.

Gentlemen, the very same things have been moved in other public assemblies, and been negatived---not upon the idea that it was criminal, but upon the ground that it was neither wise nor prudent to do so. Let us consider, then, that in the midst of heat and

rashness, they came to these resolutions, and, among other things, some good and some imprudent. They speak of Lord Chief Justice Jefferies, and resolve, "That those who imitate his example deserve his fate." Why, Gentlemen, that is not treason; if they had conspired to kill them in the execution of their offices, that is not high treason: it may be irreverend, but is not high treason. But it is all to be jumbled together, and then it is to amount to high treason.

Gentlemen, it is impossible to name the name of Jefferies, without recollecting what our ancestors have done for us; and that is what was meant by that society by resisting as their ancestors had done. Mr. Hampden resisted the payment of ship-money, the act having passed when the House of Commons was not properly represented by the expulsion of one of their members. I see in my memory, when Mr. Wilkes was expelled the House of Commons, it was contended, that they had no right to pass such a law: and when a man was taxed it was said that the law was not good, they would not pay it, because they were not properly represented. And that is all these people mean when they talk of resisting by force---when they speak of Jefferies, and resolve that those who imitate his example deserve his fate. It is an awful thing, but a fact, that when Lord Chief Justice of England, he denied justice to an innocent man, Sir Thomas Armstrong, who being outlawed, when he came into Court pleaded that he was out of the country at the time of the sentence, and that therefore he had a right to reverse his outlawry. Sir Thomas Armstrong said, "Sir, I beseech you, allow me the law. I protest my own innocence." Jefferies said, "Sir Thomas, you may amuse yourself as much as you please with the idea of your innocence, but I inform you, that you are to be hanged next Friday." The daughter of Sir Thomas came into Court, and pleaded for her father; and he said, "Take that woman out of Court!" In the bitterness of her anguish she answered him, that God Almighty's judgements would light upon him! and they did light upon him---he fell a sacrifice to an injured people: and, upon the Revolution which happened soon after, the parties were called to a severe account, and it was declared that Sir Thomas was murdered; and not only that, but the proceedings were ordered to be taken off the file and burnt.---Walpole, who was Attorney General, and refused the writ of error, was expelled the House for his misdemeanour.---The executors came before the Court, and they were called upon to make satisfaction to the daughter of Sir Thomas Armstrong. These are great monuments of justice---they ought never to pass from our memories; and, though I do not approve of resolutions of this nature, do not let us go beyond the mark, and suppose that men are disaffected to the country, because they feel a sort of pride in that which they think constitutes their country's glory.

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The Convention being dispersed and the men being prosecuted, now, Gentlemen, let me ask you, was it fair that government, having a knowledge of all the proceedings that were going on at that time, should bring in a Convention Bill in Ireland, and make it a misdemeanour? ---That it should try Mr. Muir, Mr. Palmer, and Mr. Margarot as such? And they brought forward a man in their defence who is an inveterate enemy to parliamentary reform; and, though he thinks it would not be beneficial, yet he is a lover of public justice---I mean Mr. Adam, who maintained that their sentences were unjust. Was it then to be wondered at, that when these men saw that such proceedings had been censured by respectable men, that they should vindicate what they had done?

And I ask you, Gentlemen, and I have great confidence in speaking to you, for this reason, because I have marked your vigilance---I ask you, whether you believe it possible, that if they had known that the meeting of the Convention was high treason, they would have sent to invite the Friends of the People in Frith Street, Soho, to join in convention with them---that they should publish in the papers, and distribute through the coffee-houses, all those publications that have been given in evidence; and yet, not a hint, not a proclamation against it? There was no notice taken of it till the very day that an Honourable Gentleman, a friend of mine, Mr. Grey, gave notice of his presenting to the House of Commons a petition for a reform in Parliament. At that moment all this business of the Proclamation, and all that followed, began. At that time every thing had been published---all these people had met in convention---every thing of the sort had been done; yet there was not an indictment for a misdemeanour on the file. Mr. Paine's First Part of the Rights of Man had not then been prosecuted. But I am not finding fault with that. The government had trusted it to men of honour, by whose means the country is still safe. But I ask whether you can believe that, if these people in their own minds, in holding this Convention, intended the raising a detestable rebellion to cut off the King, to assume the authority of the legislature, and subvert all law and morality, that they would have complained and published those complaints, that their delegates had been improperly treated, prosecuted, and sent with felons to Botany Bay, and all their resolutions, and all their hot blood, founded upon their honest belief that they had done no harm, that what their delegates had done was not illegal? Sufficient for the day is the good or evil of it. I say, there is not a colour of pretence for supposing that there is any thing relates to the accomplishment of the crime which is the subject of this cause.

Gentlemen, when this Convention was thus dispersed, and the people prosecuted, some other unfortunate things happened. The

calamities of the war began to press very fore. A great number of people, very excellent friends to their country, considered that the French had a right to make a government for themselves. They thought it was by no means a just thing for the Monarch of a free country to interfere. (I do not mean the King by that--- I will come to that by and by.) But a great number of persons, and of the highest rank too, felt great indignation that the Combined Powers of Europe should oppress an unhappy country. And who knows that that oppression has not been the cause of all that treachery, and of the many serious consequences that have happened? Who knows that, if they had been left to themselves, they would not have renovated their country in peace and happiness? Instead of which, oppressed on all sides by foreign foes, and by treachery within, suspicion hovered over them. No man could look at his neighbour without knowing that he was of a particular party that wished to cut off another party--- tyranny and injustice producing all these fatal consequences. It was thought by many, that it would have been infinitely better if all that could have been avoided. And though my clients are charged with letters as late as November, 1792, written to the French Convention, yet that they are to be considered as friends to the establishment of that constitution I think it can by no means follow.

Gentlemen, at the end of the year 1792, previous to the breaking out of this war, the King withdrew his Ambassador from France, when the catastrophe of this fatal war began. That country, under its new constitution, or new anarchy, whichever you please, wished for nothing but peace with this country; it was alledged, that they had introduced spies into this country, that they had correspondence with societies here, for the purpose of introducing French principles; and that therefore we should hazard all the consequences of a war; that it was necessary, for the safety of the country, to put them at arm's length, and run all risks. Gentlemen, it is in correspondence, which now lies upon the table of the House of Commons, which I may make evidence in this cause if I please, that the French Convention repelled with indignation such a suspicion: besides, Gentlemen, if men set out from France to Great Britain with any criminal idea, has not England laws to punish them? Such men are not Frenchmen, they repelled this suspicion; and they go on repeatedly till the end of the year with such assurances of friendship towards this country. Whether it would have been wise to depend upon them or not; whether the war might have been avoided or not, is not for my consideration at present; but it is extremely important that this be recollected, that a man may be a great friend to the rights of humanity, and to the imperishable rights of man, as they are called, and feel for a nation surrounded with a horde of despots, who insist upon giving it such laws as they please---

please---I say, a man may feel this, and yet be a lover of his country. That same celebrated person whom I before mentioned, Mr. Burke, did a great deal more in the course of the American war, in the heat of it; he wrote to the public what I will read to you; he wrote it on account of a victory which the King's army had gained in America, and there are some expressions in it about the arms of France: Mr. Burke says, "You write to me about the victory gained over the Americans. I feel every victory obtained there as a blow upon my heart; it is not instantly that I can be brought to rejoice, when I hear of the slaughter and captivity of long lists of those names which have been familiar to my ears from my infancy, and to rejoice that they have fallen under the hands of strangers, whose barbarous appellations I scarcely know how to pronounce. The glory acquired at the White Plains by Col. Raille has no charms for me; and I fairly acknowledge that I have not yet learned to delight in finding Fort Kniphausen in the heart of the British dominions."

Gentlemen, if this had been said by Mr. Orator Yorke, or any other man, heated with wine, in a club, it would have been said, See what a traitor that man is! See the rebellious spirit of this man! But that man spoke from love to his country, he deplored the American war, because he thought the American war was likely to be dangerous to this country; that it would only consume the strength of Great Britain and waste its resources, and lead to that alienation which has since taken place between this country and her colonies; therefore we must not be too severe in our strictures upon the conduct of men.

Gentlemen, the next point we go to, in point of time, is the project for calling another Convention; and you will recollect that it was in consequence of a letter written on the 28th of March, 1794, from the society in Scotland, proposing it, and the answer given of the London Corresponding Society is this: "The London Corresponding Society conceives that the moment is arrived, when a full and explicit declaration is necessary from all the friends of freedom; whether the late illegal and unheard-of prosecutions and sentences shall determine us to abandon our cause, or shall excite us to pursue a radical reform, with an ardour proportioned to the magnitude of the object, and with a zeal as distinguished on our parts, as the treachery of others in the same glorious cause is notorious. The Society for Constitutional Information is therefore required to determine, whether or no they will be ready when called upon to act in conjunction with this and other societies, to obtain a fair representation of the people. Whether they concur with us in seeing the necessity of a speedy Convention for the purpose of obtaining, in a constitutional and legal method, a redress of those grievances under which we at present labour, and which can only be effectually removed by a full and fair representation of the people of Great Britain."

And

And then they resolve, "That there is no permanency or security but in equal laws." But you will remark, they never had an idea to touch property; on the contrary, they state the great respect they had for commercial and landed property; and all that they wanted was, by peaceable means, to obtain a full and fair representation of the people in Parliament.

Now, Gentlemen, what reason is there for your considering it in any other way than that, by the second Convention, they meant any other sort of a Convention than that that was dispersed. They say another Convention; the objects are the same. Compare the papers for calling the second Convention with those for calling the first, and the language is the same, except there is this only difference, that they have mixed things together; they got together in taverns, irritated at the transports going off, and they passed resolutions which it is not necessary for me to justify the legality of; but which, in my opinion, has not the smallest bearing of any thing of a nature or tendency of that which is imputed in this cause.

Gentlemen, as to this Convention, I will now read you all that was done in it. On the 27th of March, 1794, the Corresponding Society wrote a letter to the Constitutional Society, (see p. 151, Vol. I.); the letter inclosed the resolution; the letter and resolution were considered on Friday, March 28, by the Constitutional Society, at their weekly meeting. If you look at the letter that is written, it is written precisely the same as the first. Had these poor men the least reason to suppose they were involving themselves in the pains of treason? Were they warned of the consequences? Were any of them prosecuted for treason? No; they were only tried for a misdemeanour; and is it to be endured, that in this country 30 or 40,000 people, meeting in these little societies, that fancy they are illuminating one another to spread the principles of civil and political liberty in an enlightened country, which the more they are spread the better it will be for the country, and appointing two committees, one of the Constitutional and the other of the London Corresponding Society, that the members of these two committees should be charged with the crime of high treason?

Now, Gentlemen, I maintain this, and I beg to be corrected by the Court if I am wrong, that this is all the Attorney General has proved: that after they resolved to hold another British Convention, these people met, they went to confer at Mr. Thelwall's house, and then they published the resolutions, which have been commented on before. The first meeting of these committees was to have been on Monday the 14th of April: they do not meet. Thursday the 17th, no meeting; Monday the 21st, no meeting; Thursday the 24th, five of the Corresponding Society meet, but nobody meet on the other side. And yet you are to be told, that they supposed that not a moment was to be lost;

lost; that they expected a Convention Bill was to pass in the House of Commons; and they say, they are not safe against Hessians and Austrians, who are coming to disturb them in their peaceful meetings. ^{lic} And when they see the same sentiments espoused by many Members of the House of Commons, by many men high in Parliament, by men high in esteem there, are they to suppose they are to be treated as traitors? Would men who thought they were plotting conspiracies against the government express themselves in this way? Would men who were exciting rebellion conduct themselves in that manner? No; their innocence betrayed them, so conscious were they that they meant nothing hostile to the constitution of their country, that they published abroad every thing that their heart conceived, and all they intended to do.

On Monday the 28th of April, three weeks after the first appointment, the committees at last met. What are their proceedings? Why, How do you do? and, What is the news, think you? Thus, these five gentlemen of one society, and four of the other, meet; they shake hands with one another, talk about the business and pleasures of the day, but nothing was done; they meet again; on Mondays and Thursdays they were always to dine together, and nothing was done. Monday the 5th of May, nothing passed; Thursday the 8th, nothing done; Monday the 12th of May, Mr. Hardy was taken up; and if this conspiracy, which was supposed to have extended from one corner of the kingdom to the other, had not been happily discovered at that moment, we should all have been blown up! Thus, three weeks had elapsed, and not a pike was to be found, or even a knife, but such an one as a man might cut his supper with, without the least pretence of arming. They met, and conversed together about what they were to do; how the Convention was to be formed, and what they were to consider of. They were to consider of the best means of obtaining a reform in Parliament by petition. What, when the House of Commons had refused their petition? Yes. What, petition again? Yes; petition again, and again, and again. And if they publish libels, let them be punished for it; but, good God forbid that men should be brought into pains and penalties, and be charged with high treason, for holding peaceful meetings to obtain a reform in Parliament! and not only that, but be brought under the stigma of an intention to cut off the head of an innocent man, at the head of an illustrious family: and if you do not believe that, there is an end of the indictment. What can you see in the countenance of that poor man at the bar, to lead you to suspect that he is capable of entertaining so detestable a design?

Gentlemen, they have suffered this business to slip over for two years; and had a spy taking from day to day, and from hour to hour, every thing he heard, or thought he heard, or chose to
write;

write; all that may lie upon the table and is good for nothing, unless you twelve men can bring yourselves to believe, which I am sure it is impossible you should, that all this was done with that malicious, abominable, and detestable attention.

Now, Gentlemen, I will maintain, that at the time the House of Commons suspended the Habeas Corpus Act, there was not one circumstance of arms to be found in this business, nor was there a single pike, as they call it, discovered; and I believe it was thought by many that there were but slender reasons for such an universal eclipse of liberty; and it is said, that a man in a great wig (I do not mean any reflection upon government) when it was first discovered, was so rejoiced at seeing this pike, that he hung over it as a woman just delivered of her first infant, and people were sent into all parts of the kingdom in order to see into the discovery of these pikes.

Now, Gentlemen, for the evidence, and I will now pledge myself to the Court to sum up the evidence to you upon these pikes with accuracy, and in the same manner that my Lord must sum it up to you when he comes to tell you what the fact is, and see what it amounts to.

Gentlemen, you will recollect that it was proved in the case, and the witnesses from Sheffield all state, that their object was Universal Suffrage and Annual Parliaments, except one witness, whose evidence I shall comment upon in due season; and you will observe that they are plain honest men, who, though called on the part of the Crown, are making out our proposition, and they must support their witness throughout; you must take them for better or for worse; for if you do not believe them *in toto*, what reason have you for believing them in any part; and if a man comes to deceive the Jury, he is not deserving of credit. This one man from Sheffield said, that from all he could gather from the subject, they were Universal Suffrage and Annual Parliaments upon the Duke of Richmond's plan: and he said, that he was for it at first, but he afterwards thought it was not so good. Then, Gentlemen, this good man has said that these people of Sheffield avowed themselves to be going upon the Duke of Richmond's plan; and, upon the cross-examination of all the witnesses from Sheffield, they have to a man spoke of this as their intention.

Now observe, Gentlemen, a meeting was held on the Castle Hill, and there were two parties there: now we will see who these two parties are. In consequence of the King's proclamation, and it is very necessary for you to recollect this, in a case where men's lives are so nearly concerned---In consequence of the King's proclamation, a great number of persons had conceived that there was cause of alarm in the country, and very extensive steps were taken; a great number of respectable persons stood forward to support the magistracy of the country; publicans were prohibited taking in persons who were friendly to a reform
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in Parliament; and our ears were continually attacked with what was going on in France. This occasioned an agitation and a turbulency in the public mind, and it worked up a heart-bleeding to the highest pitch of animosity between the two parties. Some men, perhaps, wickedly, others zealously; some going one way in the cause of reform, and some another way, and all meeting in a point. These people had been insulted and provoked. They were repeatedly threatened. It was proved, that at Sheffield a house had been fired. Their doors were fired under---their houses attempted to be pulled down. And though this horrible plot had been carrying on two years, they could not find even a supper knife among them; till at last a letter is found in the possession of Mr. Hardy, (for the very first thing that we ever hear talked about arms is from a letter,) written by Mr. Davison. dated at Sheffield, the 24th of April, 1794, informing him, that pikes were to be had at Sheffield; and this is the first time the name of the prisoner becomes implicated upon the subject.

It was said by a witness, that a very little might get a warrant from a magistrate, and then the people might come and disperse them. But they stand on the right of the subject to be self-defended; and if men were to have arms for their own defence, even if it was to act against magistrates exceeding their authority, will you say that that is to be constructed into high treason---into a design against the King's life? Most surely not.

Gentlemen, this is a letter written to Hardy; it is a private letter; not written by Davison as the secretary---not written by authority; and he writes to Mr. Hardy in these words (and this part of the evidence requires very minute attention): "The barefaced aristocracy of the present administration has made it necessary that we should be prepared to act on the defensive against any attack they may command their newly-armed minions to make upon us. A plan has been hit upon; and if encouraged sufficiently, will, no doubt, have the effect of furnishing a quantity of pikes to the patriots; great enough to make them formidable. The blades are made of steel, tempered and polished after an approved form. They may be fixed into any shafts; but fir ones are recommended, of the girth of the accompanying hoops at the top end, and about an inch more at the bottom. The blades and hoops, more than which cannot be properly sent to any great distance, will be charged one shilling. Money to be sent with the order. As the institution is in its infancy, immediate encouragement is necessary. *Orders may be sent to the Secretary of the Sheffield Constitutional Society.*"

Gentlemen, you will observe, that Davison incloses in this letter another similar one---and if that should escape you it may make a great difference---he incloses a letter which he directs Mr. Hardy to send to Norwich, in order that Norwich might be furnished with pikes in the same way that Davison proposes

London should be furnished with them. But does it appear that Hardy corresponded with Davison before, and desired him to write that letter to him? or, if he had, where is the offence as relative to this cause? Mr. Hardy never wrote to Davison, or ever gave any body his direction. And it is in evidence, by a man of the name of Moody, who was called for the Crown, that Davison had ordered the answer to this letter to be directed---not to Davison, but to Moody, and Moody swears that he never received any letter; and, what is more, Mr. Hardy never sent the letter to Norwich that was inclosed in Davison's letter; for when his papers and person were seized, that letter was found in his possession, and he was not taken up till three weeks after: so that on the spur of the occasion, although he had the letter in his possession, yet he never sent it. Then, good God! what is to become of the humane sanctuary of the English law, if men are to be convicted on such evidence? If a man writes a letter to me about pikes, who can help it? Mr. Hardy never desired him to write about pikes; he never corresponded with him about it; and when he receives this letter to be sent to Norwich, he never sends it; he never reads Davison's letter to the society; he considers it as an unauthorized officious letter of a private man; he took no step on it; he never forwarded the inclosure; he never applied to the society respecting it; he never instructed others to get pikes; he did nothing at all upon it. And it appears by Mr. Moody's evidence, that he did not even answer the letter that Davison wrote upon that occasion.

Gentlemen, I declare I hardly know how to express the astonishment I feel. I am at a loss to conceive upon what pretence the Crown can ask you to shed the blood of that innocent man at the bar. But this is but a small part of the evidence; and there is not a link in the chain that I will drop.

Gentlemen, the next part of the evidence is that of a witness of the name of Camage; he was the first witness, and he swears that the Sheffield societies were frequently insulted, and threatened to be dispersed; so that the people thought they were oppressed, and that every man had a right to be armed for his defence, and they say so. If a Justice of the Peace came officiously with warrants, and intruded into a legal meeting of his Majesty's subjects, they say they conceived that they had a right to be armed; and the Bill of Rights, they say, was in their favour, and entitles them to it. The preamble of that act states the different abuses of James II. and states as an abuse the causing the subjects to be disarmed; and then there is a declaration of rights; and then they claim, among the rest, as a plain and indefeasible right of inheritance, the right of arms for their defence. And we ought to be extremely cautious not to involve men in an immense number in the crime of high treason, because they think it right to arm themselves when they are insulted and their doors
fired

fired under, because they happen to be friends to a reform in Parliament, and because there are a set of ruffians who have thought fit to make use of pikes in a neighbouring country.

Gentlemen, Camage says, he was spoke to about three dozen of pikes. By whom? By this Davison; and he says, God forbid he should have any design against the King; and yet this man had a pike for himself. Mr. Hardy had no pike; he had only received a letter from a man to instruct others where they might be had if any wanted them, which letter he never brought into circulation. He says, Davison told him he had made a pike for himself. He says, he would not have continued a minute in the society if he had thought they meant to touch the King or the government; that their only object was parliamentary reform; and that, by means of a Convention, they meant to collect the sense of the people at large. "And (says he) we thought that the Parliament would yield to the general sentiments of the people, though not to private petitions."

Gentlemen, Mr. Bromhead, a sedate sensible man, spoke also of his affection to government. He states also the insults and threats that had been offered to the people of Sheffield. He says, he heard of arms for the first time at the Castle Hill, but says it is fit that it should be explained. He says, a wicked hand-bill had been circulated, had been thrown about in the night; no magistrate's name to it. It was publicly said in the society that the people had a right to arm. He says, no idea was started of resisting, much less of attacking the government. I never heard of such a thing. I fear God, and honour the King. I would not have consented to send a delegate to Edinburgh but for peaceable and legal measures.

Gentlemen, the next thing upon the subject of these pikes is that which was proved by the witness Widdison, to which I must beg your attention, while I just recapitulate that part of his evidence, and I hope you will not think it tiresome. It begins by stating, that Davison had said *bona fide* to this man, who is both a turner and a hair-dresser, (and they seem to have been both of a kidney,) he declares, upon his solemn oath, that Davison told him he had made a pike for himself, and what he wanted the pikes for; and thinking that the people in London might be offered the same insults, he of his own head, without being desired by Hardy, writes a letter to Hardy, enclosing one to be sent by Hardy to a society at Norwich, which letter Hardy never sent, and which he never did any thing concerning; and then Widdison, this hair-dresser and turner at Sheffield, says he made a dozen of pike shafts for Mr. Gales, for the purpose of defending himself. He says, Mr. Yorke and I talked of reform in Parliament in private (they were people who had confidence in one another); and he says, Mr. Yorke told him in private, that what he wished to obtain was universal suffrage; and the witness says they were

all for it. Then he goes on and says, "I know Davison, he was my customer; he told me that the people in general wished to have pikes, and I made them for our own safety. I love the King as well as any man, and I believe every one in the society did. I would not have remained with them, if I had thought they had not. We went upon the Duke of Richmond's plan; that was our object."

Gentlemen, this shows the genuine sentiments of these people, for they are all confidential communications with each other. If the witnesses are imposing upon you, the whole falls to the ground. They are the witnesses of the Crown. They are witnesses not only to these important facts, but also to a great body of other evidence; and if you suspect them in part, for the same reason as given before they must be rejected *in toto*. Widdison further says, "I have often heard those who call themselves aristocrats say, that if an invasion should take place in this country, they would fall upon us first, and destroy us, as they did in France."

Now, Gentlemen, I am particularly anxious that you should attend to this part of the case. Mr. Hardy has got no further yet in the business of the pikes. And Davison, who wrote to him on the subject of the conspiracy of the pikes, states, that the real object of these pikes was for their own defence.

The next witness called is John Hill. He says he is a cutler; that he was employed by Davison to make blades for pikes; that he saw a letter that was sent to Mr. Hardy by Davison, left there should be the same need for them in London as at Sheffield, by their being attacked by the opposite party; he says, that a set of men who belonged to the opposite party came to the house where he lived, and fired musquets under the door.

Then John Edwards is called to prove Mr. Hardy's connection with pikes for overturning the constitution; and he swears that the reason of his going to Mr. Hardy's was, that he wanted a pike for his own defence, without concert with any other man, having no connection with Sheffield, or any body; that he went to Hardy, and that Mr. Hardy showed him the letter. He says, wanting one for himself, and having heard that pikes were made in that part of the country, he went to Mr. Hardy to know where to get one himself. He says, that he showed him the letter, which it does not appear that he ever showed to any body else but this man, and which he never laid before the society.

Now, Gentlemen, this is the whole sum and substance of the proof of this unfortunate man at the bar, having conspired, by force of arms, to overturn the constitution of the country. The charge is not that he meant to do it by the circulation and propagation of opinions, which, in process of time might produce gradual changes, that might eventually have that effect, and produce those changes which take place in the government of this country, but that he has actually conspired against the person
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of the King, to overturn the government, and if it is so, it must be well known; but this is a charge that no lawyer could receive, and which could not be considered as high treason against the person and majesty of the King: and that is plain, by their industrious search in employing of evidence in trying to bring in every thing that they possibly could, that they were obliged to fasten something upon this man about pikes: and what does it end in? That though he had been secretary to this society for two years, yet he was a man whom amidst all the inflammable words that had been made use of, never uttered a disrespectful sentence of any body. And the witnesses that I shall call will tell you, that no man was ever more peaceable and moderate in his behaviour, more perfectly religious in his mind, and moral in his conduct in every respect, and every way amiable in society. But this man happens to have received a letter from Sheffield concerning pikes, and really conceiving they were for the same useful and honourable purposes they were intended for at Sheffield, he shows it to a person who came voluntarily to him, after he had had it a long time in his possession, who is not charged as a conspirator, because he comes here as a witness; he gives him the direction, *bona fide*, as he received it; and because that man gets a pike for himself in consequence of that direction, this unfortunate man is supposed to be engaged from the beginning against the life of his Sovereign; and though he is supposed to have been engaged in a conspiracy with vast numbers of persons, to the amount of 40,000, associated in all parts of the kingdom, there has not been a syllable produced in evidence but that which has been got out of the mouths of ruffians and spies: and there would be no living if causes were to be tried only upon their evidence, uncorroborated by other testimony.

And here again I will recur to the eloquence of that celebrated person I mentioned before, because I have none of my own. I say, with Mr. Burke, "A mercenary informer knows no distinction. The seeds of destruction are sown in civil intercourse and in social habitudes. The blood of wholesome kindred is infected; their tables and beds are surrounded with snares. All the means given by Providence to make life safe and comfortable are perverted into instruments of terror and torment. This species of universal subserviency, that makes the very servant who waits behind your chair the arbiter of your life and fortune, has such a tendency to degrade and abuse mankind, and to deprive them of that assured and liberal state of mind which alone can make us what we ought to be, that I vow to God I would sooner bring myself to put a man to immediate death for opinions I disliked, and so get rid of the man and his opinions at once, than to fret him with a feverish being, tainted with the jail distemper of a contagious servitude, to keep him above ground an animated mass of putrefaction, corrupted himself and corrupting all about him."

him." That is the account this Honourable Gentleman gives of the state of men, who, as it were, not only shrink from the frowns of a stern magistrate, but are obliged to fly from their very species.

The next witness is Henry Alexander. He says, he left his master. Why did he leave him? If he had had words with him, what were those words? No, we were not to be told that; his master had turned him off, and, upon that he agreed to live with Mr. Killaby for 25l. a year; but gave up that situation to come here to give evidence. He has not got a guinea. What he gets for this, or how he gets it, I do not enquire---but I believe it is a very thriving trade. He broke off his engagement with Mr. Killaby. What, when a man lives in Holborn is he obliged to give up his living, because he was to come here to give evidence for five minutes in one day? I asked him if he told Mr. White: no, he never asked Mr. White, who I am sure would not have been so cruel as to deprive a man of the benefit of his place: he said nothing to Mr. White. Did you tell Mr. Killaby? No. And then he stammered, looking first one way and then another, confused, disconcerted, and confounded.

Now, let us see, who is the next man of that description. Gentlemen, I have had so little time to arrange my papers, that I must trust to my memory in this, though it is very important; but, being driven away from the whole accusation, even the colour of accusation, upon the subject of pikes, we have got this solitary miserable carving-knife, this knife, laid down with all the solemnity of a conspiracy, to subvert the constitution of the country; and an Old Bailey solicitor attended as a spy; and, as I understand, you will hear of that in such a way as you will not be very fond of hearing it: he has carried on his system of spying even since this poor man has stood at the bar upon his trial, carrying it on to a turpitude at which human nature shrinks and trembles---forcing himself into committees that were preparing for his defence: and if this is the case, as I understand it is, he may depend upon it he shall stand on the pillory; indicted he shall be for perjury. He went to Chalk Farm, and he comes forward and swears this, that he saw two or three people there with a knife---there is no plain man goes without such a thing in his pocket; he asked where they were to be had; and they told him they were to be had of Mr. Green, an hair-dresser, and who sells cutlery ware; and, accordingly, this notable Mr. Groves went to him, and said he wanted a knife: speak low, says he, for my wife is a damned Aristocrat. This wretch gives you this idea, that he had gone there, and that this man was selling the knives, conscious that they were got for a wicked illegal purpose; that he would not sell them in public, and that he was afraid to sell them while his aristocratic wife was within hearing. Mr. Green is then called; and who calls him? I do not call him, he is the Crown's witness.

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When I examined him, he declared solemnly, upon his oath, and I knew how to confound him if it had not been true, he swears positively that they lay open in the shop-window, in what is called the show-plais, and were to be seen in the public streets of London, in the Strand, and all other places; that he bespoke them from the riders in the country; that they came to him made up in little packets; that he sold fourteen of them in all; he gave Mr. Hardy a packet to choofe one for himself; and that was the way these knives came into Hardy's possession.

Now, Gentlemen, I think I have disposed of the pikes and the knives, and then there is the guns, and see what that is. To this part of the charge they call Samuel Williams, a gun engraver, who is not even a member of the society. He asked Mr. Hardy if he knew any body that wanted a gun; Hardy said he did not know any body. Now I would ask, if at that time he had been arming, and the society had been arming for some time, is it possible he would have given him that answer? Would he not immediately have jumped at it? The witness buys some shoes of him, and then in a fortnight after having bought a pair of shoes, he gives him a recommendation to Franklow; he buys a gun or two. Was this a private conspiracy to subvert the government? They raised an association with printed articles, and Franklow came to the Globe Tavern in his uniform; his cartouch boxes lay openly upon his shop-board; and this immense conspiracy, which was to overturn the constitution, was limited to sixty, and five at a time were all that could be collected. And when I went down to Manchester, to defend Mr. Walker, that was the burden of the song; the prosecution was all founded on the solitary evidence of Dunn; and I speak it to the honour of my learned friend Mr. Law, who, knowing that there were persons whose passions were agitated, most manfully and honourably would not put me to my challenges upon that account, but withdrew the record; and when he saw that the informer (Dunn) was an infamous scoundrel of no credit, he said, that though the suspicions were generally strong, yet that was not worthy of any belief, and he gave up the prosecution.

Gentlemen, the next witness is Lynam; this witness I could not, if it were to save my life, go through his evidence; it lasted, I think, and what is this examination of Lynam's, six or seven hours; but I marked under the different parts, to show the gross inconsistency of it. He says he spoke from his notes, but part of which time I saw him looking up at the sky! I asked him, where did you get these words from? He said, now I speak from recollection. He took down the substance of what was said, without saying by whom; not as a spy merely, but he took them *bona fide* as a delegate, and he took them *bona fide* as a spy. What a happy combination of *bona fides*! And yet, what do his notes amount to? Such a trash of inconsistencies, that no living man can pay the

the least attention to them. He says, they were to go to Frith Street, to sign the declaration of the address of the Friends to the Liberty of the Press. (There were many that did not approve of that, and they might thank me for that. A great number of the House of Commons, as many I believe as thirty, were present.) These Gentlemen go there to sign that declaration. The next thing is, that they resolved to put the King's head and Mr. Pitt's upon Temple Bar, to destroy the King. And then it was resolved unanimously, that our thanks be given to Mr. Wharton for his speech to restore the constitution to its original purity. They earnestly intreated them to persevere in the cause of the people. We all agree that we will give our decided support to every measure brought forward to support the rights of the people, as established at the glorious Revolution of 1688: Resolved, that the Constitutional Society should print so many thousand copies of Mr. Wharton's speech, and then Mr. Margarot will get 4000 for the London Corresponding Society.

Gentlemen, I only ask you, when all the evidence on the part of the Crown, except that which is of the most dangerous nature, that of the spies, when it falls in with the honest intentions of the parties---when it all falls in in the same manner, will you believe any thing said by a man who is only a spy, and you saw how I detected him, to show that he had no sense of the nature of an oath, by the very next witness that was called? How can you believe such a mass of inconsistency, that men, between whom there was no communication---among whom there were no arms---among whom there was no violence, that they should conspire to destroy his Majesty's most sacred person? No, Gentlemen, but they did this in supporting the principles which were ever held by the most honourable and best of our ancestors, co-patriots, to be the genuine spirit of the constitution.

Then, Gentlemen, being driven out of every thing that can relate to arms, they have recourse to an expedient which, I declare, fills my mind with horror and terror when I think of it; it is this, they had two years before sent delegates to the Convention in Scotland, with specific instructions positively to pursue parliamentary reform. When the Convention was dispersed they sent no other, and they were arrested for only having begun to consider of the propriety of sending delegates to another. Mr. Hardy wrote to the secretary, and you will remember all the letters he has written are only the official letters of the society; that they are composed by other men; that he puts his name officially to them; that though his heart was in the cause, as far as he understood it, yet the language, if it be offensive, is less to be imputed to Mr. Hardy than almost to any other individual that we can name, for he officially puts his name to papers which they honourably conceived to be driving to the purpose of a party of individuals. Mr. Hardy sends a circular letter, and what does it say?

say? only, in general terms, their intention to call another Convention; and it happens that a man of the name of Watt, who was employed by government in Scotland as a spy, but who was caught a tartar at his spying, in endeavouring to force on innocent people that which was never in their intentions; but he could not help shewing himself by a paper which he read, containing a plan of that which he intended to do, but which he had no preparation to accomplish, and which he knew it was impossible he should accomplish. Is it possible to say, that a great country can be destroyed by such a rabble as that? It would be, as Johnson said, "as if a great city could be overflown by its kennels." Five or six people got together in a sub-committee of a society of the Friends of the People in Scotland. They appointed a sub-committee, and Mr. Watt and Downie, and one or two others, got together. Gentlemen, I know not how to express what I feel upon this subject.

George Ross was next called, and he is the man that says there was a letter shewn to him. He says he received a letter from Mr. Stock, who belonged to a society in Edinburgh; that there was one sent to Strathaven, one to Paisley, and some other places; that he took some of the minutes of the Convention; that this was a circular letter to call another Convention, like that which the magistrates had dispersed, by taking a chairman by the shoulder and turning him out of the chair, and who were tried for misdemeanours; and this circular letter, sent by the unfortunate man at the bar, is made the foundation of letting in evidence, upon which government might hang their own spy. A great deal too much of the public money was spent, I think, upon that business; it was too much to set up a spy, and to hang him at the expence of 50,000l. But I will not argue the case of a dead man, and particularly such a man.

The next witness, Arthur McFwen, says he belonged to a committee, consisting of seven. Watt read them a paper prohibiting all farmers and dealers in hay to remove the same from their places of abode---and the gentlemen residing in the country were not to leave their habitations; and on a certain day they were to take possession of the cattle, seize the Lord Justice Clerk, and all the magistrates were to be cut off by these men of buckram, and the pikes to be got ready on the morrow for the purpose; and that they were to send an address to the King, ordering him to put an end to the war, or he must abide by the consequences, and he might expect worse consequences. But what is all this to Mr. Hardy? How is it possible to affect him with this? Now observe the evil. This Watt, the man that is hanged, said he wished to correspond with Mr. Hardy in a safe manner. So, because a ruffian and a scoundrel chooses to say he wishes to correspond with me, though I do not want him to correspond with me, and it is not proved in the cause even that the

existence of such a person under the canopy of heaven was known to him---(and what he did, I believe, he did only to draw in others, but he was drawn in himself in the attempt)---but because he says he wants to correspond with Hardy, and he takes a piece of paper to shew the plan of a correspondence, is he to be involved in all that Watt has done? Have they found any letters in Hardy's custody, or have they traced by any other man in the society, any connection with Hardy? Where is the man that will come forward and say, there was any desire of the least connection between them on the part of the man before you?

Gentlemen, I am making no charge, but I wish that all men may have the benefit of good intentions; yet it requires some ingenuity for the Crown to account for thus endeavouring to involve Mr. Hardy in the guilt of Watt.

But, Gentlemen, they went down to Scotland, in order, I suppose, that we might be taught the law of high treason from the Lord Justice Clerk at Edinburgh, which is to be a sort of rehearsal, I imagine, in order to teach the people of England how they are to execute their laws; and a special commission is held, but no men are tried but these two, and one of them, I mean Downie, for being in the room when this paper was read, and assenting to what the others dissented from. And I am told, that one of the Gentlemen on the Jury said, he would die rather than convict Downie---though he was afterwards brought over. I understand they do not mean to execute Downie; and if Downie is an object of mercy, who was in the room with Watt, heard Watt, and saw Watt, upon what ground on earth can they demand the life of the prisoner, who had no connection with him, never corresponded with him, does not know that he existed, nor was he connected with him either directly or indirectly? I do not know what effect this has upon the Court and you, but I confess it impresses me very much. I am deeply affected with the hardship of the prisoner. How and what would be the case of every man among us, if we were to answer for all our own expressions? But in this case, that poor man would have nothing to fear, for nothing has been proved against him of that sort; but to answer for the expressions of others, is an hardship beyond compare. Nay, if that was to be the case, that a man was to answer for the expressions of others, no man could enter into the most legal combination. If every thing that another man says is to be given in evidence against him, and in these societies many things may be said and proposed, which perhaps some of them may have disapproved silently, but thinking in general that the object of the society was honourable, would not oppose it---but if this is all to be brought forward to load and weigh down, with all the alarm of a country, and all the power of government, and press upon the head of an innocent, or any one man, how is it possible for him to defend himself? And as in this case,
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when one half of our materials---but I am really not able to state it to you ; I am scarce able to stand, having had scarce any thing that deserves the name of rest since the cause began. I have not slept since I have been engaged in this cause. I have been standing or sitting here as you have seen me from day to day, till I am almost exhausted, anxious lest the blood of that innocent man should be imputed to me.

Then, Gentlemen, my whole argument is no more than this--- that the prisoner at the bar stands indicted for an enormous and horrible crime, that of compassing and imagining the death of the King ; that that imagination and compassing consists in the deliberate purpose of his heart. But before you can convict him of the fact, you must believe it---not suspect it, not fancy it or imagine it, but believe it: and it is impossible to impress on the human mind that a Jury would devote and adjudge his neighbour to the enormous penalty of death without having that evidence which the administration of justice requires in its ordinary course in the administration of the law, which is neither more nor less than those rules of evidence which are settled by law, and which are not to be over-ruled or tampered with ; that are founded in the charities of religion---in the philosophy of nature---in the truths of history---and in the experience of common life. And whoever ventures rashly to depart from them, I know, because I have the authority of God's word to say it, that it will be meted to him in the same measure, and both God and man will judge him accordingly.

Gentlemen, these are arguments addressed to your reasons and consciences, not to be shaken in upright minds by precedent--- for no precedents can sanctify injustice. If examples would sanctify injustice, every human right would long ago have been extinct upon the earth. If the State Trials in bad times were to be searched for precedents, what injustice, what murders, may you not commit? what law of humanity may you not trample upon? what rules of justice may you not violate? and, what ends of wise policy may you not abrogate and confound? If precedents in bad times are to be implicitly followed, why have we been consuming our time about overt acts? Why should we have heard any evidence at all? You might have been convicted without any evidence, for many have been so convicted, and in this manner murdered, even by Acts of Parliaments. If precedents in bad times are to be followed, why should the Lords and Commons have investigated these charges? Why should the Crown have put them into this course of judicial trial? Why should they have held this enquiry? Since, without such a trial, and even after an acquittal upon one, they might have attainted all their prisoners by Act of Parliament. They did so in the case of Lord Stafford. There are precedents, therefore, for all such things; but such as could not for a moment survive

the times of madness and distraction which gave them birth, and which, as soon as the spurs of the occasion were blunted, were repealed and execrated even by Parliament; which, little as I may think of the present, it is not to be compared with Parliaments sitting in the darkness of former times, in the night of freedom, before the principles of government were developed, and before the constitution became fixed. The last of these precedents, as I before stated to you, and all the proceedings upon it, were ordered to be taken off the file and burnt, for the honour of our ancestors, to the intent that the same might no longer be visible in after ages: an order dictated, no doubt, by a pious tenderness for national honour, and meant as a charitable covering for the crimes of our fathers; but, in my opinion, it was a sin against posterity, it was a treason against society; for, instead of commanding them to be burnt, they should have directed them to be blazoned, in large letters, upon the walls of our courts of justice, that, like the characters decyphered by the prophet of God to the eastern tyrant, they might enlarge and blacken in your sights, to terrify you from acts of injustice.

Gentlemen, if justice was out of the question, yet policy is equally with me, in times like the present, when it is to be lamented that the whole habitable earth is in a state of fluctuation, when deserts are starting up into civilized empires around you, and when men, no longer slaves to the prejudices of particular countries, much less to the abuses of particular governments, enlist themselves, like the citizens of an enlightened world, into whatever communities shall best protect their civil liberties. It never can be for the interest of Great Britain to prove that the strict unextended letter of our laws is no certain security to its inhabitants. On the contrary, when so dangerous a lure is held out to emigration, it will be found to be the wisest policy of Great Britain to set up her happy constitution, the strict letter of her guardian laws, and the proud condition of equal freedom, which her highest and lowest subjects ought equally to enjoy. It will be her wisest policy to set up these first of human blessings, against those charms of change and novelty, which the fluctuating condition of the world is hourly holding out, and which may deeply affect the population and prosperity of her country. In times when this crime---when subordination to lawful government is said to be every where but too little felt, it would be found to be the wisest policy of Great Britain to instil into the governed an almost superstitious reverence for the strict security of the laws, which, from their equal administration, can seldom work injustice, and which, from the reverence growing out of their mildness and antiquity, acquire a stability in the habits and affections of men far beyond the sanction of forcible exertions; whereas severe penalties and arbitrary constructions of laws, intended for ease and protection, lay the foundation of alienation
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from government, which, at all times, is dangerous, and the consequences of which now I tremble to think of.

Gentlemen, what one reads in books does not make such impressions as when we see things passing before our eyes. Look to the fruit of those miserable factions and divisions in Brabant. If the Emperor Joseph had given to his subjects fully and at once the *Joyeuse Entrée*, their ancient constitution derived from the good Duke of Burgundy, to obtain which I remember the same movements as in this country for the reform of Parliament, but instead of which they were handed up to Brussels, and in Courts, as this is constituted, proscribed for their turbulency; but had the Emperor granted their constitution, given them by the good Duke of Burgundy, they would---I know what I say---it is not what I have heard or read of---I have seen the process of the thing of which I am speaking---they would have risen in a mass to maintain their own liberties and their Prince's throne, thus interwoven together, and the French, like the giants of antiquity (and they are indeed the giants of modern times) when they attempted Heaven, would have been rolled and trampled in the mire of their ambition. But instead of this concession in due time, the Emperor marched into Brabant, and all was peace; but it was such a peace as there is in Vesuvius or *Ætna* before they vomit forth their lava and roll their conflagration over the devoured habitations of men. The French might as well have attempted to reach the skies as to go into Brabant if the people of Brabant would have held their country, which they would, no doubt, have done, if the Emperor had made their government comfortable. When the French approached, the fatal effects were seen of a government of constraint and terror; the well affected were dispirited, and the irritated were inflamed into fury. At that moment the Arch-Duchess fled from Brussels and the Duke of Saxe-Teichen was sent to offer them the *Joyeuse Entrée*. But the season of concession was passed away, and the throne of Brabant has departed from the House of Austria---I fear, for ever! In the same way, a far more important and splendid crown departed from his Majesty's illustrious House, the crown of America, owing to a spirit of turbulence which broke out in that country, when they were contending for some irregularities; and here again I will not give you my own words, I will refer you to the inspiring eloquence of Mr. Burke, whose name I have so often mentioned. What did he say to this country? "I have many reasons to thank Providence for the situation in which I am placed, and should be the most ungrateful man in the world if I did not wish to cultivate the happiness of my countrymen; and that is not to be done by dividing one party against the other. They wanted money," not for the support of his Majesty, but to pay those skip-jacks that Mr. Tooke talked of, "to raise a revenue in America for the purposes of corruption.

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The people in America would not bear it; but they wanted money for that service; for all service, whether of revenue, trade, or empire. My trust is in her interest in the British constitution, my hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges and equal protection. As long as you have the wisdom to keep the sovereign authority of this country, as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces towards you. The more ardently they love liberty the more perfect will be their obedience. Slavery they can have any where---it is a weed that grows in every soil; they may have it from Spain, they may have it from Prussia, but until you become lost to all feeling of your true interest and your national dignity, freedom they can have from none but you. It is the spirit of the English constitution which pervades, feeds, unites, invigorates, vivifies every part of the empire, even down to the minutest member. Is it not the same virtue which does every thing for us here in England? Do you imagine that it is the land-tax which raises your revenue; that it is the annual vote in the committee of supply, which gives you your army; or that it is the mutiny bill which inspires it with bravery and discipline? No, surely, no. It is the love of the people, it is their attachment to the government, from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience, without which your army would be a base rabble, and your navy nothing but rotten timber." Such was the language of that sublime writer.

Gentlemen, to conclude, my wish is that we should not conjure up a spirit among us to destroy ourselves; do not let us follow the example of a French Tribunal; let us not follow the example of that which we deplore in another country; do not let us make our courts of justice resemble theirs; let us keep up the old and venerable laws of our forefathers; let our administration be just and pure; and let a Jury of the country feel the duty they owe to the public, to themselves, to posterity, and to God, when their minds are satisfied or not satisfied of the guilt of a prisoner, to preserve the life of a man who only asks it of them upon the same terms that they would in their turn ask their own.

Gentlemen, I will now conclude, with an ardent wish and firm hope, that it may please God, who is the author of all good that can happen amongst mankind, who, I am persuaded, superintends all the affairs of this world, who moulds government at his will, who governs us all in justice and in mercy, and from whose care and bounty has arisen the prosperity and glory of this happy island, that he will send his guardian angels to protect you, and to enlighten and direct your minds in the consideration of this cause.

Gentlemen,

Gentlemen, I am aware that I have not acquitted myself to that unfortunate person who has trusted me with his defence, in the way I could wish. I am exhausted in spirit, I am exhausted in strength, but I have done it to the best of my ability. To your care I now commit him without fear, being confident in the expectation that you will do him justice.

Gentlemen, I will just state one thing more, which is that I will shew by as many witnesses as may be found convenient and necessary for you to hear upon the subject, by a great many persons who are members of that Society, who have attended it with those views that I have imputed to the prisoner at the bar, who will tell you that their objects and views were harmless, inoffensive, and peaceable, and that Mr. Hardy, of all other men, was the most so. And I have an Honourable Gentleman in my eye, who, having intimated a design to bring a bill into Parliament respecting these Societies, will tell you, that Mr. Hardy offered himself voluntarily to come forward---he offered to shew him all his papers, and to give him all the materials for examining to the utmost, in order to satisfy and give justice to the offended laws of his country, if they had been offended. I will shew you, that his character was excellent, charitable, religious, temperate, moderate, every thing that can belong to a good man, and a good subject. That is the nature of my evidence; and, when you hear it, I am sure, Gentlemen, you cannot have the least doubt of coming to that conclusion (and I beg pardon for taking up so much of your time) which I have been endeavouring to point out to you.

EVIDENCE FOR THE PRISONER.

LORRIMAN GODDARD sworn.---Examined by Mr. GIBBS.

Q. WERE you a member of the London Corresponding Society?

A. Yes.

Q. Were you of the same division with the prisoner, Mr. Hardy?

A. Yes, No. 2.

Q. Did you attend the divisions much?

A. Very regular.

Q. How long is it since you belonged to it?

A. I don't recollect the time; it is near two years ago.

Q. And you ceased to be a member when Mr. Hardy was taken up?

A. I did.

Q. In the division did you see Mr. Hardy frequently?

A. It was very rare that he was absent.

Q. You are acquainted with him besides?

A. Yes. I might see Mr. Hardy four or five times, sometimes six times a week. I never missed a Sunday, hardly, without calling upon him, either in the course of the day or in the evening.

Q. What was Mr. Hardy, a man of a peaceable disposition, or inclined to riots and tumult?

A. Remarkably peaceable.

Q. Was he a friend to order?

A. Very much so. There was an instance of it in the society at the time we were dispersed from the public-houses. He desired particularly, when we got to a private house, that we never would even bring a stick with us. He desired it particularly.

Q. Then he was a great friend to peace and order?

A. Yes, remarkably so.

Q. What are the objects of your society?

A. Parliamentary reform. Nothing else that I ever heard.

Q. In what House of Parliament was that reform to take place?

A. In the House of Commons.

Lord President. The witness should be told, that questions touching the conduct of the society, whether criminal or innocent, he may or not answer on the part of the prisoner, as he will also be liable to be examined to the same points on the part of the prosecution; and that I cannot then, if any questions are asked him which he should not wish to answer, protect him.

Mr.

Mr. Gibbs. I understand so.

Lord President. Every witness should understand that when he is called.

Mr. Gibbs. Any witness we call will submit to any examination on the part of the Crown.

Mr. Gibbs. (To Gaddard) You understand, you must answer the questions that that Gentleman may put to you, as well as those I put to you?

A. I am not afraid to answer any question that I know.

Q. Your only object was parliamentary reform in the House of Commons?

A. Nothing else.

Q. Was it any part of your plan to make any alterations in the House of Lords?

A. None.

Q. Had you ever any design to make any attack, or intrench at all upon the authority of the Crown?

A. No; God forbid.

Mr. Attorney General. I object to that question.

Mr. Gibbs. The object of my question is, whether any of that society, that he knew of, had any views of change in the House of Lords, or of attacking the authority of the Crown.

Lord President. You may ask what were the views of the society with respect to the House of Lords and the King.

Mr. Gibbs. You did wish that there should be a reform in the House of Commons?

A. Yes.

Q. What were the views of the society with respect to the House of Lords?

A. None.

Q. What were their views respecting the authority of the Crown?

A. None.

Q. You told me you was intimately acquainted with Mr. Hardy; did he converse with you frequently upon political subjects?

A. Frequently.

Q. If he had had any views different from yours, do you think you should have known them?

A. I should, for curiosity often led me to ask a number of questions.

Q. Had you any reason, from any conversation with him, to think his views were different from yours, either respecting the House of Lords, or the King?

A. No, I had not.

Mr. Attorney General. I will not have questions put in that way.

Mr. Erskine. Are you afraid of the question?

Mr. Attorney General. I am afraid of no question; but questions ought not to be put into the witness's mouth.

Lord President. What is the question objected to? If the Court can mediate they will be very willing to do it.

Mr. Gibbs. You never had any reason to suppose, nor collected from Mr. Hardy, that he had different views from you?

A. No.

Q. Did Mr. Hardy ever produce to you, from any division of his society, any letters from Sheffield about pikes?

A. No, he never did.

Q. Did he ever communicate it to you?

A. No, never.

Cross-examined by Mr. ATTORNEY GENERAL.

Q. That Gentleman asked you, whether Mr. Hardy had ever communicated to you that letter from Sheffield; you said, No. What letter do you mean when you say Mr. Hardy never communicated it to you?

A. I mean the Sheffield letter.

Q. I should be glad to know what Sheffield letter you mean?

A. I don't know.

Q. What did you mean, then, by saying he had never communicated it to you?

Mr. Gibbs. The question I asked was, and I appeal to the recollection of his Lordship and the Jury, if he communicated a letter from Sheffield respecting pikes.

Lord President. I agree that you did put the question so; at the same time I agree that you ought not to interrupt the cross-examination. There ought to be no breaking-in on one another, because one Gentleman don't understand the other, but wait till they have done, and then explain it.

Mr. Attorney General. There is a Gentleman, not Counsel in the cause, sits next to Mr. Gibbs, who, when I ask questions, makes observations in the hearing of the witness. I must desire that no Gentleman shall sit next the Counsel for the plaintiff or defendant. It is well known that communicating and conversing with the defendant's Counsel may, in point of fact, immediately lead the witness to give an answer which he could not have given without.

Mr. Vaughan. The only circumstance which induced me to make one single observation is this: that Mr. Erskine and Mr. Gibbs begged I would sit next them, inasmuch as some months ago I had been consulted upon the subject of this trial; and, as that was the case, I might recollect circumstances with which they might not be acquainted.

Lord President. The Court will certainly not interfere with any Gentleman sitting next to the Counsel for the prisoner, to give them that assistance or knowledge which he may be able to give them; at the same time you will undoubtedly take particular care to avoid any thing that may give any ground for such observation,

servation, especially if you speak loud enough for the witnesses to hear. If you did so, you was not so cautious as you would have been if you had recollected.

Mr. *Vaughan*. I certainly would not, my Lord.

Lord *President*. The Court have no inclination to prevent the Counsel who are assigned from receiving all the information that they can receive; at the same time some degree of caution is necessary.

Mr. *Attorney General*. I heard, as distinct as I hear this moment, "the letter about the pikes."

Lord *President*. I really have taken down his answer, that he never heard of any letter from Sheffield about pikes.

Mr. *Attorney General*. How long have you been in this society?

A. Nearly two years.

Q. You were of division No. 2?

A. Yes.

Q. Who introduced you into the society?

A. A brother of mine.

Q. Where did he live?

A. He did live at No. 27, Pall-mall. He now lives in Horse-
down.

Q. Was you at the Globe Tavern on the 20th of January?

A. Yes.

Q. Were you at Chalk Farm the 19th of April?

A. Yes, I was.

Q. Being at the Globe Tavern on the 20th of January, 1794, do I understand you to say that nothing passed there but what was peaceable and right, according to your notion?

A. Yes, every thing was.

Q. Did you ever see a printed account of what passed there?

A. Yes; some resolutions.

Q. Were those resolutions you saw in print a regular and correct account of what passed there?

A. I think they were.

Q. Being a regular account of what had passed, do you mean to state that the resolutions of that day were peaceable, and according to the law of the land?

A. Yes, I think they were.

Q. And you mean to state, as far as your judgement goes, that the proceedings there were as peaceable as they ought to be?

A. I thought they were so.

Q. Perhaps you was present at Breillat's when delegates were chosen---Were you present at Breillat's when the society sent the delegates?

A. I was not there. I know the fact.

Q. And you approved of it?

A. Yes; but I never was in office.

- Q. Did you ever hear of the secret committee?
- A. Yes, I have heard of it.
- Q. Do you happen to know who the secret committee were composed of?
- A. No, I never did.
- Q. Was you a member of the London Corresponding Society, and not know who the secret committee were?
- A. I will say every thing I know.
- Q. Every answer that you have given to me yet, proves to me that you are an honest man. That being so, they had a secret committee?
- A. Yes, they had.
- Q. Was it known by the body in general who the secret committee were?
- A. I don't think it was.
- Q. Then, Mr. Goddard, giving this character of the proceedings of the society, you remained in the society of course. You don't know the proceedings of any committee whose names you don't know?
- A. No, I do not.
- Q. When the prisoner and others were apprehended, don't you know there was another secret committee formed?
- A. I don't know; I left the society; I never attended afterwards.
- Q. Don't you know another secret committee was formed after their apprehension?
- A. No; I left the society upon that.
- Q. Mr. Goddard, who were the delegates to the Scotch Convention?
- A. Mr. Margarot and Mr. Gerald were the delegates to the Scotch Convention.
- Q. Were you in the society before the 6th of August, 1792?
- A. No; I was in two years within a month.
- Q. I hope you have seen the address of the 6th of August, 1792?
- A. I have, may be; but I cannot recollect.
- Q. Don't you know any thing of the contents of it, then?
- A. No.
- Q. You say you know nothing at all of the Sheffield letter?
- A. No, nothing.
- Q. Do you know a person of the name of Stock?
- A. I do not.
- Q. Did you ever hear of a circular letter that was sent into Scotland to call a Convention?
- A. Yes.
- Q. Do you know who carried it into Scotland?
- A. No.

Q. Upon your oath, how did that circular letter, with the name of Hardy, get into Scotland?

A. I don't know at all.

Q. By whom was it sent?

A. I don't know that it ever got there.

Q. In point of fact, did you or not ever hear whether that circular letter went or not?

A. Never; it might or might not.

Lord President. Tell me whether that circular letter went or no---Did you ever hear it?

A. I might have heard it, but I don't recollect the circumstance.

Q. I thought you said you had heard of it?

A. I said there was a circular letter gone into Scotland.

Mr. Attorney General. Permit me to ask you, where you heard that?

A. In the division.

Q. What were the contents of it?

A. I don't know.

Q. Then, Mr. Goddard, you considered the proceedings of the 20th of January, and those at Chalk Farm, as quite constitutional?

A. Yes, I thought so.

Q. I then have but one more question to ask you. You sing some songs sometimes, don't you, in the society?

A. No, not in the society.

Q. How came it that you never sung in the society?

A. I don't know; songs were not in general introduced.

Q. I hope songs were not sung at your dinner?

A. O yes.

Q. Was there not a song called "God save the Rights of Man?"

A. I have heard of such a song.

Q. Perhaps you sing that yourself?

A. No, I never did.

Q. Can you repeat any of it?

A. I cannot repeat a verse of it.

Q. Don't you know a song that has the chorus, "Plant, plant the tree, fair Freedom's tree?"

A. You know more of it than I do.

Q. You remember this song, "Plant, plant the tree?"

A. I cannot recollect that I have heard it sung, and I may have heard many songs.

Q. I ask you if you ever heard a song with the chorus, "Plant, plant the tree, fair Freedom's tree?"

A. I have heard such a song.

Q. Now, Mr. Goddard, I leave you to the Court.

A. I never

A. I never heard the song sung in my life. There were a number of people used to come with songs that did not belong to the society.

Q. How many songs of Mr. Thelwall's have you ever seen and had in your possession?

A. I have had them all, and I never thought there was any harm in them.

Q. Do you mean to swear that you thought there was no harm in Thelwall's songs; be so good as to tell us the name of some of them?

A. I cannot tell the titles of them.

Q. You had all Thelwall's songs, and cannot tell us the title of one of them?

A. There are three of Thelwall's songs; but I don't know what you mean by all.

Q. Don't you know that there were three songs upon one sheet, and dispersed over the country; were they not?

A. Yes.

Q. Had you those songs in your possession?

A. Yes.

Q. What were they; what were the titles?

A. Upon my word I cannot recollect the titles.

Q. Look at that song and see if you have ever seen it before?

A. I am no ballad singer. Which song do you mean?

Q. "God save the Rights of Man?"

A. Yes, I might or might not; I cannot say; but it was neither said nor sung in the society.

Mr. Erskine. Is your Lordship's time to be consumed by this Gentleman's opinion of a song?

Lord President. If the song is proved to be sung in the society, it is proper to be asked. He said that all the proceedings there were peaceably and orderly; therefore there can be no objection to asking that question.

Mr. Erskine. No, my Lord, there cannot; but it is not proved that it was sung there.

Mr. Attorney General. I must ask you this question before you go: look at that paper, and tell me if that was printed by the order of the London Corresponding Society: had you ever a paper of that sort in your hand?

A. I don't recollect. I told you I never was in office, but I regularly attended.

FRANCIS DOWLING sworn.---Examined by Mr. GIBBS.

Q. Were you a member of the London Corresponding Society?

A. Yes.

Q. A member of that division of which Hardy was a member?

A. Yes.

Q. What

Q. What was the object of the society?

A. To obtain a parliamentary reform.

Q. In what branch of Parliament?

A. The House of Commons.

Q. Had you any other object but that?

A. No other.

Q. What did you mean with respect to the King, or the House of Lords?

A. Nothing at all, no thought of it, only a reform in Parliament.

Q. And you say by Parliament you mean the House of Commons?

A. Yes.

Q. Did you entertain any other idea of reform yourself besides that of reform in the House of Commons?

A. No.

Q. Had you any idea of opposing the government by force; had you any intention of doing that?

A. No.

Q. Did you see the prisoner at the bar, Mr. Hardy, there?

A. Yes.

Q. Did he ever point out to you in conversation that he had any such intention?

A. Quite the contrary.

Q. What was Mr. Hardy's character?

A. A peaceable, orderly, and pious man.

Q. Were you at the London Corresponding Society when a Convention was talked of?

A. Yes.

Q. What was your intention in calling that Convention?

A. To take the sense of the delegates of the different divisions, upon the best means of obtaining a reform in the House of Commons.

Q. Was it any part of your intention that this Convention should proceed by force?

A. No, nor of any member.

Q. Was it the intention of Mr. Hardy?

A. No.

Cross-examined by Mr. ATTORNEY GENERAL.

Q. How long have you been a member of that society?

A. Two years and a half.

Q. What division did you belong to?

A. No. 2.

Mr. Gibbs. Did Mr. Hardy ever produce at a meeting, when you was there, a letter about pikes?

A. No, he never did.

Q. You never heard of it?

A. No.

Q. From

Q. From him?

A. No, nor any body else.

Mr. *Attorney General*. Who introduced you into the society?

A. I cannot inform you.

Q. Did you dine at the Crown and Anchor Tavern upon the 2d of May last?

A. When Mr. Horne Tooke was in the chair?

Q. No, when Mr. Wharton was in the chair?

A. Yes.

Q. And you drank all the toasts, or as many as you could?

A. I drank the toasts.

Q. Do you remember the music there?

A. There was music.

Q. I hope you paid for your own ticket there?

A. Yes.

Q. How much?

A. Seven and sixpence.

Q. Were you at Chalk Farm?

A. Yes.

Q. At the Globe Tavern upon the 20th of January?

A. I don't know that I was, I cannot recollect.

Q. You saw, however, the proceedings of the Globe Tavern that were in print?

A. I have seen the resolutions.

Q. Had you any objection to them?

A. As I do not recollect them I cannot say.

Q. You approved of them?

A. I cannot recollect them.

Q. If you had had any objections, you would of course have stated them to your society; you was a delegate?

A. I was.

Lord *President*. How long was you a delegate?

A. About six months back.

Mr. *Attorney General*. Do you recollect the time when?

A. Five or six months.

Q. You are well acquainted with your friend Spence, in Holborn Row, are you not?

A. I know the shop, I don't know the man personally.

Q. You have bought a good book or two now and then there?

A. I have bought some pamphlets.

Q. Was you ever there at the exercising time?

A. I don't know what you mean.

Q. Did you know that there was any exercising at Spence's?

A. Never before this time.

Q. You never heard of that?

A. No.

Q. Do you know Mr. Franklow at Lambeth?

A. Yes.

Q. Did

Q. Did you ever see any exercising there?

A. I have heard of it.

Q. Do you know Mr. Edwards?

A. Yes.

Q. When did you see his pike?

A. I never heard of it in my life.

Q. Do you know Mr. Hillier?

A. I know Mr. Hillier.

Q. Did you ever see his pike?

A. No.

Q. Now, Mr. Dowling, you have no secret committee in the London Corresponding Society, I hope, have you?

A. Not that I know of.

Q. Do you know of a secret committee, sometimes called the Committee of Correspondence?

A. I have heard of such a thing.

Q. Who were the members of it?

A. I cannot take upon me to know.

Q. Has your society a committee without your knowing the name of it?

A. If so, it was chosen by ballot.

Q. Do you know Mr. Hodgson, hatter, Broadway, Westminster?

A. Yes, I believe I do.

Q. Whether there was not, after the apprehension of these people, another secret committee named by Mr. Hodgson?

A. I never knew of it.

Q. Do you know of it now?

A. No.

Q. Do you mean to say you don't know of such a committee?

A. Not appointed by Mr. Hodgson.

Q. Was there one appointed by any body else since the apprehension of Mr. Hardy?

A. No.

Q. Have you ever been at Academy Court, Chancery Lane?

A. I don't know the place.

Q. That is, you mean to say, if any secret committee was held in Academy Court, you know nothing about it?

A. No.

Q. Do you know Mr. Smith of Portsmouth Street?

A. Yes.

Q. Do you know one Birks?

A. Very lately.

Q. Do you know a man of the name of Higgins?

A. No, I never heard of him till lately.

Q. Did you never hear of any of these people, or any other persons, being a secret committee, to succeed the secret com-

mittee of the London Corresponding Society that had existed before these people were taken up?

A. No, I never did.

Q. But you have heard that there was a secret committee before these people were taken up?

A. You asked me as to a committee of correspondence.

Q. Did you hear that Smith or Higgins, or these people, had been a committee of correspondence, since the prisoner was taken up?

A. No.

Q. Upon your oath, was it not studiously kept a secret who were members of that secret committee?

A. I don't know.

Q. You say there was a secret committee that you did not know; upon your oath, do you know the reason why their names were kept secret?

A. The reasons for it that I formed myself; I don't know any other reason.

Q. That will not do. Did you ever see in the society a paper that the *ins* complain of one thing, and the *outs* of another, and advising you to get arms?

A. I never saw it or heard of it.

Q. Did you ever see a paper called "The Guillotine, or George's Head in a Basket?"

A. I never saw it or heard of it.

Q. You never heard that letter from Sheffield read in the society?

A. I never heard of it, till it was in the Reports of the Secret Committee.

Q. It surprized you prodigiously, no doubt?

A. No; not that I ever heard of it before.

Q. Did you ever see the address of the 6th of August, 1792?

A. Not to my recollection at the present time. Upon what occasion was it?

Q. That address from the London Corresponding Society to the nation, upon the subject of not petitioning Parliament any more?

A. I might have seen it, but I cannot say.

Q. Do you know Carter the bill-sticker?

A. I have seen him.

Q. Did he stick bills up for you?

A. Not that I know of.

Q. Had you ever any debate in your society about paying the expence of this man's prosecution?

A. I heard about his receiving money.

Q. He stuck them up in the night?

A. Not that I know of.

Q. Do

Q. Do you conceive the proceedings at Chalk Farm as peaceable and orderly proceedings?

A. I do not conceive there is any thing criminal in sticking up a bill, it depends upon the contents of it; and as to the proceedings at Chalk Farm I don't recollect them.

Q. They were, as far as you recollect, peaceable and orderly?

A. The tenor of the conduct of the people was very orderly.

Lord President. Was any question put upon the resolutions?

A. I believe there was. It is impossible to name the people that were there.

Q. Did you vote for them?

A. There were so many there, but very few that attended to the business; and those who have abilities attend generally to those things.

Q. Did you vote for them?

A. I dare say I did, among the rest. I was out at a distance.

Q. And you do vote for things without knowing what they are?

A. I might; there is no man but what is fallible.

Q. Was you near enough to hear them as they were read?

A. I was at a considerable distance.

Q. How did you vote?

A. By holding up hands.

Q. Did you vote in consequence of the confidence you have in somebody; or what led you to vote for something you did not hear?

A. On seeing all the rest vote, I voted as all the rest did.

ALEXANDER WILLS sworn.---Examined by Mr. GIBBS.

Q. Were you a member of the London Corresponding Society?

A. Yes.

Q. How long were you a member?

A. Between two and three years.

Q. Do you know Mr. Hardy, the prisoner?

A. Yes, I do.

Q. What were the objects of the society?

A. Parliamentary reform.

Q. What parliamentary reform---in what part of the Parliament?

A. In the House of Commons.

Q. What was your intention as to any other branch of the government, the King, or the House of Lords?

A. Full of respect, honour, and fidelity.

Q. Your intention was only to procure a reformation in the House of Commons?

A. Solely so.

Q. Had you any reason to think that any other members of the society intended any thing else?

G g 2

A. Never.

A. Never.

Q. Was it the intention of any member of the society to bring about this by force?

A. Never, to my knowledge.

Q. Would you have continued in the society if you had found any such intention?

A. No, not for a moment.

Q. Was you in the society when a resolution for a Convention passed?

A. No, I have not been there since.

Q. What was that owing to?

A. My avocations another way prevented it.

Q. Was that your only reason for absentsing yourself?

A. Yes.

Q. What sort of a character does Mr. Hardy bear?

A. A most amiable character indeed.

Q. Is he, from what you have heard, a good member of society?

A. He is.

Cross-examined by Mr. BOWER.

Q. What may your business be; what is your profession?

A. A dancing-master.

Q. Was you a member of the Constitutional Society?

A. Yes, I was a member of both societies.

Q. How long have you been in the London Corresponding Society?

A. Two years.

Q. How long in the Constitutional Society?

A. Very soon after; I wished to hear a great many clever men speak upon the subject of politics, as I could not go to the House of Parliament, where I could hear more clever men undoubtedly.

Q. You heard a great many clever speeches?

A. As they struck me.

Q. Did they strike you as such?

A. I heard one or two that I thought clever.

Q. Upon your oath, do you mean to tell me that I was mistaken; you said you went there to hear politics?

A. No, I said I went to hear clever men.

Q. What subjects were discussed? Were any discussed that did not relate to politics?

A. I never heard any.

Q. Upon your oath did you expect any other?

A. It was called the Constitutional Society.

Q. That is no reason; you said you went to hear clever men speak; upon what subjects did you expect to hear them?

A. Upon constitutional subjects.

Q. Those only?

A. Those

A. Those only.

Q. Was that the place where you took up your constitutional doctrines?

A. Long before that.

Q. From the newspapers?

A. Yes, and sometimes I have had the honour of being in the Honourable House of Commons.

Q. Not having opportunities, as often as you could wish, to attend the Honourable House of Commons, you went to the Constitutional Society to make up that deficiency?

A. No, to hear what was said.

Q. Did you attend frequently?

A. I never took any minutes. You may be better informed than me.

Q. Did you, upon your oath, attend weekly?

A. When I could I did. I might for a month; but I cannot say, upon my oath, I did attend regularly. I attended as often as I could.

Q. Were you at all acquainted with the proceedings of the society?

A. Very little; I never looked into the minutes.

Q. Did you hear or know that any body was prosecuted for assisting them in their views?

A. Never.

Q. You never heard of one William Carter?

A. No, never did.

Q. You never heard then, of course, that Carter was ever in confinement?

A. I was in company with Mr. Carter, a musician, at the London Coffee-house.

Q. Carter the bill-sticker?

A. I don't know him. I have heard of such a man, but he was imprisoned for sticking up a hand-bill. I never saw the man in my life.

Q. You never heard that there was a subscription entered into for him?

A. Yes. I might perhaps give a guinea, two guineas, or three guineas, or five guineas, or some such thing, to release him, or for the assistance of his family.

Q. Though you never knew him?

A. I don't say I gave him five guineas; but I may have done it to relieve his wife and family. I often give five guineas, and don't know who I give it to.---You want to confuse me.

Q. No such thing, sir; I do not want to confuse you. The more distinct you give your evidence, the better it will serve my purpose. You have told me that you gave one, two, three, or five guineas?

A. I only

A. I only put it in that way, meaning that I had subscribed. I might give him a few shillings, or I might give some halfpence.

Q. You never did, upon your oath, give this man a guinea?

A. No; to my recollection I don't know that I did. I gave 150*l.* to the British fishery, which I call subscribing to my country.

Q. Again I ask, whether you did or not subscribe any sum of money to that man then in confinement for sticking up bills for this society?

A. I never gave to that man in particular; I may have given to the woman in distress.

Q. To whom?

A. That I don't know.

Q. Nor who asked you for it?

A. I don't know; it was in one of the societies.

Q. One of which societies?

A. One of the London Corresponding Societies.

Q. Was there a subscription put about by that society for the relief of this man in custody?

A. I don't know. I believe there was.

Q. Did you attend one or more of the societies?

A. Two.

Q. Where?

A. At Proctor's, Covent Garden.

Q. Did you subscribe there?

A. No, it was in Compton Street.

Q. What division was that you belonged to?

A. No. 2, Compton Street.

Q. Did you go into Compton Street as a visitor?

A. No, I believe I was a member.

Q. Do you know whether you was?

A. It is the same society.

Q. The same division?

A. No.

Q. Did you belong to No. 2?

A. Yes; and No. 37, Covent Garden.

Q. While you was in the society did you hear of the secret committee?

A. No.

Q. Did you hear of a committee of secret correspondence?

A. Not in the society; I have heard of it since; for I have not attended since the Report of the Committees.

Q. Then of course you knew nothing of a secret committee?

A. Never.

Q. If the secret committee had been mentioned to you, it would have been a matter of surprize?

A. I never heard of it.

Lord President. It is no fact; he never heard of it.

Mr.

Mr. Gibbs. Have you heard that there was a man in custody in distress?

A. Yes.

Q. Did you know his name?

A. I did not recollect it at that time.

Q. Was he not represented to you as an object of distress?

A. Of real distress.

Q. Then for that man so in prison, and so in distress, did you subscribe any money?

A. I believe I did. I cannot charge my memory.

Q. What was your reason for saying you might have given one, two, three, or five guineas?

A. Because I would as soon give five guineas as a few shillings to a person in distress.

Lord President. You brought yourself into a scrape for the sake of a flourish; for certainly there is a great deal of difference between a few shillings and five guineas. Let me give you one piece of advice; when you are upon your oath never speak by a metaphor.---How much did you give?

A. I gave a few shillings---perhaps half a crown.

Q. It would have been vastly better to have said so at once. Do you recollect how many; will you say it was a guinea, or that it was only half a crown?

A. It was only a few shillings.

Q. How many shillings; was it under five?

A. I suppose it was under five.

Mr. Gibbs. I will now call a Gentleman at the bar, who says, he knows the witness perfectly well, and that he is a man of good character.

Lord President. I have no doubt at all about it. I am satisfied.

ARCHIBALD HUNTER sworn.---Examined by Mr. GIBBS.

Q. Were you a member of either of those societies---the Constitutional or the London Corresponding?

A. I have been a member of the London Corresponding Society, I believe, about twenty months.

Q. Do you know Mr. Hardy, the prisoner?

A. Yes.

Q. What division were you a member of; the same division with Mr. Hardy?

A. I always understood Mr. Hardy belonged to the same division.

Q. What was the object of your society?

A. The object of our society was to obtain parliamentary reform.

Q. In which House of Parliament?

A. In the House of Commons.

Q. What

Q. What was your intention with respect to the King and the House of Lords?

A. That they should remain as they are. I never understood any thing else.

Q. Was it the intention of any of the members of the society, that you know, to bring about this reform by violence and force of arms?

A. Force of arms! no, most certainly I did not conceive any thing of the kind. There never was any such thing, to my knowledge. I never heard any thing of force of arms till the Report of the Secret Committee.

Q. Was it the intention of any of the members of the society, whom you know, to make any attack upon the government of the country?

A. No, it was not.

Q. What character did Mr. Hardy bear?

A. A peaceable, respectable, quiet man.

Q. Was that his general character?

A. Yes, for what I know of him. I can only speak from the time I went into the society.

Q. How long did you say that was?

A. About twenty months.

Q. And that is the character he bore for that time?

A. Yes; and I have reason to believe he deserved it.

Q. While you were of this society, did Mr. Hardy ever produce to the division any letter from Sheffield about pikes?

A. No, never.

Q. Have you ever known of his communicating any such letter to the society?

A. I never knew of any such thing.

Cross-examined by Mr. LAW.

Q. You never heard of the letter from Sheffield about pikes?

A. No.

Q. You never heard that letter?

A. I never was in office.

Q. Have you never heard the Report of the Secret Committee?

A. Yes.

Q. Did you read it there?

A. Yes.

Q. Do you continue a member of the London Corresponding Society at this moment?

A. Yes; I do.

Q. Did you ever see a paper like that circulated (the *ins* and the *outs*)?

A. I never have before now. I have heard of it, but never saw it before.

Q. Who introduced you into the society?

A. A rela-

- A.* A relation of mine.
- Q.* Has he a name?
- A.* Yes; Joseph Hunter. He lives in Old Compton Street.
- Q.* Did you attend the meetings pretty constant?
- A.* No; I was frequently out of town. I did not attend regularly.
- Q.* What is your business?
- A.* None at all.
- Q.* May I ask you how you get your living?
- A.* I am an independent man.
- Q.* Mortgages, or land, or what?
- A.* Sometimes my property is in the stocks, and sometimes in my pocket.
- Q.* Was you at the Globe Tavern or at Chalk Farm?
- A.* Yes.
- Q.* Was you at the Constitutional Society on the 2d of May, when Mr. Wharton was in the chair?
- A.* I do not recollect I ever was present when Mr. Wharton was in the chair.
- Q.* But was you there or not on the 2d of May?
- A.* I cannot say; I never was at any meeting of the Constitutional Society at all.
- Q.* Did you ever dine as a guest with the Constitutional Society?
- A.* Never.
- Q.* You have been at the Globe Tavern?
- A.* Yes.
- Q.* Was you at Chalk Farm?
- A.* Yes.
- Q.* You heard the resolutions at those places?
- A.* Yes.
- Q.* The object of the society was peaceable, you say?
- A.* Yes.
- Q.* Did you hear the resolutions at Chalk Farm read?
- A.* I heard them read, but did not attend to them.
- Q.* Did you vote for them?
- A.* No, I did not vote for them.
- Q.* How came it you did not vote for them?
- A.* Merely from that inattention that pervades my whole conduct, perhaps.
- Q.* Did you vote against them?
- A.* I did not.
- Q.* You took no part in them?
- A.* I did not.
- Q.* Did they dine and sup at your division?
- A.* I believe there was a mixture of divisions.
- Q.* Where did you sup that night?
- A.* At No. 3, Compton Street, Soho.

Q. Was Mr. Thelwall there?

A. He was.

Q. Do you recollect that any songs were sung there?

A. I believe there were, but I do not recollect the purport of them.

Q. What was your business when you condescended to follow any?

A. It is so long ago I can hardly recollect.

Q. Sir, tell me seriously what business you were in when you followed a business?

A. I was a perfumer.

Q. Was you not a hair-dresser?

A. Yes.

Q. Had you forgot that circumstance?

A. I thought perfumer sufficient.

Q. Why did not you tell me that at first? How long is it since you have done business as a hair-dresser?

A. I think since I left the business and profession of a hair-dresser it is about twelve years, to the best of my recollection. I am not sure.

Q. How long is it since you ceased to be a perfumer?

A. About the same time; about twelve years ago.

Q. Having a perfect recollection that you was a hair-dresser and a perfumer, how came you to tell me it was so long ago you could not recollect?

A. I did not say so.

Mr. Law. I appeal to his Lordship.

Lord President. He said it was so long ago since he was in business, that he did not recollect what business he was.

Mr. Law. I shall not ask him another question.

ALEXANDER FRAZER sworn.---Examined by Mr. GIBBS.

Q. What business are you, Mr. Frazer?

A. A tailor.

Q. Are you a member of the London Corresponding or Constitutional Societies?

A. I have been a member of the London Corresponding Society.

Q. How long have you been a member of it?

A. About ten months.

Q. When did you cease to be a member?

A. In April, 1793.

Q. What was the object of the society?

A. Parliamentary reform.

Q. In what part of Parliament?

A. The Commons House.

Q. What was your intention as to the King or House of Lords?

A. Nothing at all.

Q. Did

Q. Did you ever collect from any of the members of the society that they had any other intention than that of reform in the House of Commons?

A. I never did.

Q. Did you ever collect from any of them that it was their intent to effect this purpose by violence?

A. No; it could not be done by violence.

Q. No, I know it could never be done by violence, but do you know if any of them had any idea of attempting it by violence?

A. No. I would have had no concern with them if that had been their object.

Q. Had you any intention to overturn the government of the country?

A. No.

Q. Do you know Mr. Hardy, the prisoner at the bar?

A. Yes.

Q. What was his character?

A. An unblemished character.

Q. Is that his general character?

A. I believe his moral character is really exemplary.

Cross-examined by Mr. GARROW.

Q. You ceased to be a member in April, 1793?

A. Yes.

Q. And since that you have not been present at any of the transactions of this society?

A. No.

Mr. Garrow. Then I will not give you any further trouble.

WILLIAM BARCLAY sworn.---Examined by Mr. GIBBS.

Q. Mr. Barclay, what are you?

A. A shoemaker.

Q. Where do you live?

A. In Duke's Court, Drury Lane.

Q. How long have you lived there?

A. Near thirty years.

Q. Do you know the prisoner at the bar?

A. Yes.

Q. How long have you known him?

A. I have known him fifteen years.

Q. Were you ever connected with him?

A. Yes; he was foreman to me for seven years.

Q. How long is it since he was a servant of yours?

A. Three years.

Q. During that time what character did he bear?

A. A very good one.

Q. I mean as to peace and order?

A. Never any thing else.

Q. Is he of a peaceable orderly disposition, or quite the contrary?

A. Always a very quiet man.

Q. Were you a member of either of these societies?

A. No.

Q. Have you ever been at either of them?

A. No.

The Rev. THOMAS OLIVER sworn.---Examined by Mr. GIBBS.

Q. You are a clergyman?

A. I am a dissenting minister.

Q. Do you know Mr. Hardy?

A. I have known Mr. Hardy, the prisoner at the bar, between three and four years. I accidentally became acquainted with Mr. Hardy by stopping at a house during a shower of rain. I found his conversation very agreeable.

Q. What character has he borne from that time?

A. I will speak a few words, if you will give me leave, very shortly. Finding him very agreeable in conversation, and speaking like a very serious man, I enquired his address. He told me, No. 9, Piccadilly, where I have called upon him; and we sometimes talked on religious subjects, and sometimes on political subjects. At one time he shewed me a paper of resolutions, with his name signed to it. I asked him the ultimate end they had in view in their meetings. He said a reform in Parliament, in the House of Commons, upon the same principle as Mr. William Pitt and the Duke of Richmond entered into in 1782. I have often enquired and tried to suck out what was the intent of the society. When I heard these Reports of the Committee of the House of Commons, I spoke to him on the subject, and he told me, the view of the society was by all means to obtain a reform, on constitutional principles, in a peaceable way.

Lord President. Since the Report? Where did you see him?

A. I saw Mr. Hardy at his own house.

Q. Since the Report?

A. Yes, I believe it was. I am not certain.

Mr. Gibbs. What time was it?

A. It might be the beginning of June, or May; I am not sure; but I was in the habit of calling upon him, as a neighbour, as I have gone past.

Q. Do you remember the time when Mr. Hardy was taken up?

A. I do not remember the date. I remember calling there, and I was informed by his wife of his being taken up. The poor woman was in a great deal of trouble, and was very ill.

Q. She is dead since?

A. Yes, she is.

Q. You are not certain when it was?

A. I think

A. I think it was in the month of May.

Q. Are you a member of either of these societies?

A. I never was a member of any political society whatever. I never was in any political society.

Q. During the time you have known Mr. Hardy, what has been his character; as a peaceable man, or the contrary?

A. I conceived, from my first acquaintance with him, that he was a man of few words, of a very humble, peaceable disposition. I have had no occasion to alter my opinion; I believe him to be an honest man, and I believe him to be a sincere Christian, and when I say that, I believe he is one that fears God and honours the King.

Q. Have you seen him often?

A. Yes, I have.

Q. You told me you had taken pains to draw his opinion from him?

A. I have, and I believe further, I speak with some degree of confidence, I believe I was in the confidence of Mr. Hardy as a friend.

Cross-examined by Mr. ATTORNEY GENERAL.

Q. You did not belong to any of these societies?

A. No, I did not.

Q. Did you ever see a paper of the proceedings of Chalk Farm, with Mr. Hardy's name?

A. Never.

Q. Did you ever see a paper with the proceedings of the 20th of January, 1794?

A. I cannot recollect.

Q. I will shew it you? (*shews it him*)

A. I don't know that I ever saw it before.

Q. Did he ever shew you the Rights of Man; do you know that Mr. Hardy ever collected money to support the publication of Paine's Rights of Man?

A. I don't know that he ever did favour them, or publish any thing of the kind; as I was going to observe, when I can call upon any poor person that is afflicted, to do them any good, I do; I am in the habit of preaching four sermons in a week; I have so much to do that I cannot trouble my head about politics.

Q. Have you ever read Paine's Rights of Man?

A. I have seen it, but never read it through.

Q. Do you know Mr. Bogue of Portsmouth, a dissenting minister?

A. I have heard of such a man.

Q. Do you know that he had any correspondence with Mr. Hardy?

A. I cannot recollect; I think that he did mention Mr. Bogue's name.

Q. Do

Q. Do you recollect Mr. Hardy telling you, Mr. Bogue had desired you to take care of his papers?

A. No.

Q. Do you remember Mr. Hardy saying any thing about him?

A. I have heard him say that he knew him, and he was a worthy good man, or something to that purpose.

Q. Had not you the curiosity to enquire what Mr. Hardy in London had to do with Mr. Bogue, a dissenting minister, in the country?

A. No.

Q. Did Mr. Hardy ever tell you he went to see any convicts on board any ship?

A. No, he never did.

Q. Nor that he saw Mr. Bogue at that time?

A. No; the chief I know of Mr. Hardy is serious conversation, touching the best things.

Q. You know nothing about Chalk Farm; you know nothing about Paine's Rights of Man?

A. We have spoke together on parliamentary reform.

Q. You have read Paine's Rights of Man?

A. Yes.

Q. Do you find any thing about honouring the King in Paine's works?

A. I don't know that there is.

Q. You was much in Mr. Hardy's confidence?

A. It is natural they should put some confidence in men of our description, especially if they are men of character.

Q. He did not tell you any thing about Chalk Farm, or the proceedings at the Globe Tavern, or any thing else respecting the London Corresponding Society?

A. No.

DANIEL STUART *sworn*.---*Examined by Mr. GIBBS.*

Q. I believe you are secretary to the Society of the Friends of the People?

A. I have acted as secretary to the committee of the Friends of the People.

Q. Did you ever happen to see Mr. Hardy?

A. I have seen him many years ago, but never had occasion to speak to him till about December, 1792.

Q. Upon what occasion did you meet him then?

A. The London Corresponding Society sent a letter to the Friends of the People; when the letter was answered, I carried the answer myself to Mr. Hardy's house; and from that time, in passing by in Piccadilly frequently, I called in at his shop, just to ask about the society.

Q. Had you ever any conversation with him upon the object of the London Corresponding Society?

A. Very

A. Very frequently.

Q. What did he tell you the object of the society was ?

A. He always told me the sole object of the society was parliamentary reform in the House of Commons.

Q. Did he ever converse with you upon the way in which he wished that reform to be brought about ?

Mr. Attorney General. I object to that.

Mr. Gibbs. The crime the prisoner is charged with is his having in his mind the compassing the King's death ; and in order to trace out that intention, I am asking as to the disposition of his mind upon that subject.

Lord President. What the tenor of his conversation was.

Mr. Attorney General. I cannot say I think that ought to be put.

Mr. Gibbs. What were the means by which you understood from him that the Corresponding Society wished to bring about this end ?

A. I always understood him, that the best means were to inform the people of the bad state of the representation, and get a number of members to the society ; that by petitions to the House of Commons, and a respectable number of signatures, they might be induced to attend to it, and thereby it might be brought about.

Q. Did you see him at any time after this ?

A. Yes ; since that time, till the time he was taken up, I was in the habit of calling upon him two or more times in a week, principally from motives of curiosity, and the conversation was generally about the society, and about the reform ; that subject always formed the basis of our conversation.

Q. Did he appear to have great confidence in you ?

A. We talked very freely upon that subject ; we never could agree upon that point. He was always determined that the Duke of Richmond's plan would be the plan at last ; and I used to say I thought it would not.

Q. Had you any talk with him about the proposition for a Convention ?

Mr. Attorney General. I certainly object to that question being put.

Lord President. How would you wish to have the question put ? You might ask him first if he knew any thing of this Convention.

A. I think upon some particular occasion he did mention it.

Mr. Gibbs. Do you think he had confidence in you ?

A. Yes.

Q. Had you any conversation with him about any Convention ?

A. I don't exactly recollect that ; but I don't doubt that I had.

Q. During the time you have known him, what character has he borne ?

A. From

A. From others, and my own observation, I thought him a man very peaceable; and the last man in the world that I should have thought guilty of any improper conduct.

Q. Have you had any opportunity of collecting from him, whether it was his object to bring this end about by peaceable means, or the contrary?

A. I never heard him mention violent means at all; quite the reverse. I have always heard him say that he wished it to be brought about by peaceable means.

Cross-examined by Mr. ATTORNEY GENERAL.

Q. You are secretary to the committee of the Society of the Friends of the People?

A. Yes; I am secretary to the secret committee.

Q. You know there is a society called the Society for Constitutional Information?

A. Yes.

Q. Did it ever occur to you, as secretary to the Society of the Friends of the People, to know that the latter society rejected all correspondence with the former?

A. Yes.

Q. Do you happen to know that the prisoner at the bar was an associated member of that society?

A. I never knew that he was.

Q. Then you being a secretary to the committee of the society, the Friends of the People having rejected all correspondence with the Constitutional Society, you never knew that the prisoner was an associated member with the Constitutional Society?

A. I never knew it.

Q. Did you ever know any thing of a letter from Lord John Russell to your society?

A. Yes.

Q. Do you remember any correspondence between your society and the society at Sheffield?

A. Yes.

Q. Was it in the month of May, 1792?

A. I think the first letter was.

Q. Do you happen to know that your society wrote a letter to the Constitutional Society, whose correspondence with your society they had rejected, saying, they would have nothing more to do with the Friends of the People, because they were not following the principles of the Rights of Man?

A. No.

Q. Do you recollect the reason why the Friends of the People would have nothing to do with the Constitutional Society?

A. Many reasons were assigned in answer to it.

Q. On account of their having adopted Mr. Paine's great plan of reform?

A. I believe

A. I believe it was.

Q. Did you see the London Corresponding Society's address of the 6th of August, 1792?

A. No.

Q. Have you seen the resolutions of the 20th of January, 1794?

A. I have.

Q. Have you seen their resolutions at Chalk Farm?

A. Yes, I have.

Q. They wrote to your society about a Convention?

A. Our society declined it.

Q. I believe your society had some correspondence with the London Corresponding Society, during all these proceedings?

A. I believe there was a letter with their plan.

Q. Do I understand you that you never heard of the prisoner at the bar being an associated member of the Constitutional Society, whose correspondence with you you rejected, knowing nothing of the address of the 6th of August, and knowing nothing of the proceedings of January the 20th?

A. That is all.

Q. Look at that; is that the proceedings of your society?

A. Yes.

Q. Perhaps you could inform me whether all these Gentlemen, whose names appear here, were members of the Constitutional Society?

A. I believe not; some of them were withdrawn.

Q. After the Society of the Friends of the People had rejected correspondence with the Constitutional Society, by their letter, individuals remained members of both societies?

A. I don't know, but I believe there were Gentlemen who were members of both.

Mr. Gibbs. What objections did the Friends of the People take to that letter?

A. I really cannot say, for I never was present at any of the meetings of the society.

JOHN CARR *sworn*.---Examined by *Mr. GIBBS.*

Q. Are you a member of these societies?

A. I am not.

Q. How long have you known the prisoner at the bar?

A. Upwards of twenty years.

Q. Have you known him well during that time?

A. Yes.

Q. What has been his character?

A. A peaceable, honest, worthy man.

Q. Was he a man at all likely to commit any violence, or was he a peaceable, sober man, who loved order?

Mr. Garrow. I object to that question.

Lord President. You are to ask to his general character, and leave the Jury to judge upon that. I must say, I have known it asked many times, and I have objected to it myself.

JOHN STEVENSON sworn.---Examined by Mr. GIBBS.

Q. What business are you?

A. A coal-merchant.

Q. How long have you known Mr. Hardy?

A. About eight or nine years.

Q. Are you a member of either of these societies?

A. I never was.

Q. What character has he borne during the eight or nine years you have known him?

A. I always considered him as a sober, honest, quiet, peaceable man.

Q. Have you known him well during these eight or nine years?

A. Yes. When he lived with Mr. Barclay, of whom I had my boots and shoes, I always considered him as a man of mild principles; a quiet peaceable man. As to moral character, I know of no man that goes beyond him.

Q. Has that been his general character?

A. Yes; as far as I know it has.

ALEXANDER GREGG sworn.---Examined by Mr. GIBBS.

Q. What are you?

A. A bookbinder.

Q. How long have you known Mr. Hardy, the prisoner at the bar?

A. Seven years last May.

Q. Have you lived in the same house with him at any time?

A. No.

Q. Have you known him intimately?

A. Yes.

Q. What has been his character during those seven years that you have known him?

A. Always a sober and real good man.

Q. Has he been peaceable and orderly?

A. Yes, as far as I can say.

Q. Have you known him constantly?

A. Yes.

Q. Has this been his general character?

A. It has, as far as I have ever heard.

Cross-examined by Mr. ATTORNEY GENERAL.

Q. Were you a member of the London Corresponding Society?

A. No; I never in my life entered the threshold of any of them.

WILLIAM HENDERSON sworn.---Examined by Mr. GIBBS.

Q. What are you?

A. A dealer

A. A dealer in eggs.

Q. How long have you known Mr. Hardy?

A. About twenty years.

Q. Have you known him well that time?

A. Perfectly well.

Q. What character has he borne during that time?

A. A very good one; a sober, sedate, honest man.

Q. Is he of a peaceable disposition?

A. I never heard any thing to the contrary.

Q. Are you a member of either of these societies?

A. No.

Mr. Attorney General. I will not give you any trouble.

The Rev. Mr. STEVENS sworn.---Examined by Mr. GIBBS.

Q. You are a minister, I believe?

A. I am.

Q. How long have you known Mr. Hardy?

A. Ever since I came to London. Seven years.

Q. Have you known him well during that time?

A. Pretty constantly.

Q. He attended your congregation constantly?

A. Yes; he was a member before I came to it, and he has staid there ever since.

Q. During that time what character has he borne?

A. A very respectable one.

Q. In all respects?

A. So far as I know of him.

Q. As far as you have heard what is his general character?

A. His general character among our congregation is much to his honour, and, I believe, as a man of conscience both towards God and man.

Mr. Attorney General. You are not a member of the London Corresponding Society?

A. I never was a member of any such society.

PETER MACBEAN sworn.---Examined by Mr. GIBBS.

Q. How long have you known the prisoner at the bar, Mr. Hardy?

A. I have known him about seventeen years.

Q. What are you?

A. A shoemaker.

Q. During those seventeen years have you known him well?

A. Yes; we have been very intimate.

Q. During that time what character has he borne?

A. A very amiable character, both in civil and religious society.

Q. Do you speak from your own knowledge of him?

A. From my own knowledge.

Q. What is his general character among others?

A. A peaceable, quiet, well-disposed man.

Q. Are you a member of either of these societies, the London or Constitutional Society?

A. No.

Cross-examined by Mr. ATTORNEY GENERAL.

Q. How long have you ceased to be so?

A. I have ceased to be so these two years, through an indisposition of body. I was laid up with the gout.

Q. What division did you use to attend?

A. When I did attend, I attended No. 8.

Q. Where was that?

A. The Blue Posts in the Haymarket.

Q. Did you ever attend any other division?

A. Not regularly. I have attended Mr. Hardy's division, No. 2, Covent Garden.

Q. Do you ever recollect coming to any resolutions about Paine's Rights of Man?

A. No.

Q. When did you cease to be a member of the society?

A. About two years ago, or thereabout.

Q. Do you remember your society writing to the Society for Constitutional Information, desiring to have some members associated with them?

A. Yes.

Q. Do you remember your society subscribing for Mr. Paine?

A. No; in my division I do not.

Q. Then you do not recollect any thing about your division subscribing to Paine's Rights of Man?

A. No, not in the least.

Q. Did you ever meet at the Bell, in Exeter Street?

A. Yes.

Q. Who was your delegate there?

A. We had no delegates there.

Q. Who was your delegate?

A. We had no delegate at all.

Q. Was it not a meeting of delegates at the Bell?

A. No; we divided from the Bell.

Q. But before you divided from the Bell, who was your delegate of that division?

A. We had no delegates at that time.

Q. Did you belong to it at the first?

A. Yes; I was there from the very first.

Q. Who was your chairman at the first meeting?

A. I am not certain whether it was Mr. Margarot or somebody else. I cannot positively say.

Q. You know Mr. Margarot very well?

A. Yes.

Q. He is a man of a very peaceable and civil disposition?

A. Yes,

A. Yes, as far as I know. I have very little acquaintance with Mr. Margarot.

Q. Do you recollect the other members at the Bell in Exeter Street? Who were the first members; was Mr. Hardy one of them?

A. Yes.

Q. Do you recollect any other persons who were the first members of the London Corresponding Society?

A. Yes; there was one of the name of Blake, and several others; and a man of the name of Gow, who is dead and gone.

Q. Any body else?

A. I do not recollect.

Q. How many of you met at first at the Bell in Exeter Street? What was the greatest number?

A. The whole of the number, I suppose, might be 30 or 40.

Q. Do you mean to swear to this purport, that you recollect no more than these?

A. The first time I was there, to the best of my recollection, there might be twenty.

Q. You are sworn to speak the truth, and I desire you to recollect the names of all of them that you know. You are sure Margarot was one?

A. No, I cannot be sure.

Q. Do you recollect a man of the name of Merry?

A. I believe there was a Mr. Merry.

Q. Any body else?

A. Mr. Dowling.

Q. Were there any clergymen among you?

A. No.

Q. Were there any physicians among you?

A. I cannot recollect.

Q. Any other profession?

A. I cannot recollect.

Q. How many divisions were there in the society at the time you left it?

A. I cannot say any thing to that.

Q. Two or three?

A. There might be more than that.

Q. Who drew up your original laws?

A. I believe Mr. Margarot was the principal man.

Q. Was there any body else employed with him to do it?

A. Very likely there was; I cannot say.

Q. Upon the oath you have taken, do not you recollect who it was that was to draw up your original laws?

A. I cannot recollect.

Q. Did you ever visit any body in the neighbourhood of London on account of that?

A. No, I cannot recollect.

Q. Do

Q. Do you mean to swear that to your knowledge nobody drew up the code but Margarot?

A. I am certain there were others; but I don't recollect them.

Q. Do you know Mr. Martin?

A. Yes.

Q. Was he one?

A. I believe he was not.

Q. Was Mr. Victor one?

A. I don't know Mr. Victor.

ALEXANDER GORDON sworn.---Examined by Mr. GIBBS.

Q. What business are you?

A. A shoemaker.

Q. Where do you live?

A. In Cannon Street.

Q. How long have you known the prisoner, Mr. Hardy?

A. Twenty years.

Q. Have you known him well during that time?

A. Yes.

Q. What character has he borne?

A. A sober, honest, industrious, peaceable man.

Q. Is that his general character?

A. I never knew it to be otherwise.

Q. Were you a member of either of the societies?

A. No, I never was.

Cross-examined by Mr. ATTORNEY GENERAL.

Q. Where do you live?

A. In Cannon Street.

Q. You don't live at No. 1, Aldersgate Street?

A. No.

Q. Do you know any body of your name that does?

A. No.

JOHN BOGUE sworn.---Examined by Mr. GIBBS.

Q. What are you?

A. A carpenter and cabinet-maker.

Q. How long have you known the prisoner?

A. Near these ten years.

Q. Have you known him well during that time?

A. Yes.

Q. What is his character?

A. A sober, honest man.

Q. Has he the character of a peaceable man?

A. Yes, very much so.

Q. Do you speak from his general character, or your own knowledge?

A. Both.

Cross-examined by Mr. ATTORNEY GENERAL.

Q. Did you belong to the London Corresponding Society?

A. Yes.

Q. How

Q. How long have you ceased to belong to it?

A. Near two years.

Q. Did you belong to it when it was first formed at the Bell in Exeter Street?

A. No.

Q. What was your division?

A. No. 5.

Q. You know nothing of the proceedings of the society for the two last years?

A. Very little, that I can recollect.

MATTHEW DICKIE *sworn*.---*Examined by Mr. GIBBS.*

Q. What business are you?

A. A Scotch factor.

Q. How long have you known the prisoner, Mr. Hardy?

A. Five years.

Q. Have you known him well?

A. Yes.

Q. What character has he borne during that time?

A. A strictly honest character, an upright peaceable man, as any in the world.

Q. What has his general character been?

A. A very peaceable man, and a strictly honest man.

Q. Have you ever talked with him about the Corresponding Society?

A. He may have mentioned it; but our conversation was generally about business.

Mr. Attorney General. Was you a member of the society?

A. No.

Mr. Gibbs informed the Court that he had a great many more witnesses to character; but he should trouble them with only one more.

JAMES HARDY *sworn*.---*Examined by Mr. GIBBS.*

Q. Are you any relation to the prisoner?

A. No.

Q. How long have you known the prisoner?

A. Ever since the year 1779 or 1780.

Q. Have you known him well?

A. Yes, being a neighbour.

Q. From that time to the present, what character has he borne?

A. I never heard any but the best of characters; quite an easy disposition.

Q. Has that been his general character?

A. From what I know of him, and from what I have heard of him, he is a peaceable man.

Mr. Attorney General. Are you a member of any of these societies?

A. No.

Adjourned to Monday morning, eight o'clock.

[End of the Fifth Day.]

MONDAY

MONDAY MORNING, NOVEMBER 3, 1794.

THE Court met at nine o'clock, pursuant to adjournment.

PRESENT,

| | |
|--|---------------------|
| LORD CHIEF JUSTICE EYRE, LORD PRESIDENT, | |
| LORD CHIEF BARON, | MR. JUSTICE BULLER, |
| BARON HOTHAM, | MR. JUSTICE GROSE. |

Mr. *Erskine*. I now mean to call a witness to prove that a letter which was sent to Mr. Hardy from Sheffield, to be forwarded by him to Norwich, was found in his possession, not only unent but unopened, at the time he was taken into custody.

Lord President. He had no right to open it, the weight of the evidence is its remaining unent.

Mr. *Erskine*. It is a very strong circumstance, it being unopened and unent.

Lord President. It is a very strong circumstance undoubtedly.

Mr. KING sworn.---Examined by Mr. *ERSKINE*.

Q. Did you find that letter in the possession of the prisoner at the bar, when he was taken into custody, as an enclosure? (*a letter shewn him.*)

A. No; they were took all away.

Q. Was the enclosure of the letter which was directed to Norwich, open or not?

A. I cannot recollect; I believe it was unopened. I remember the messenger said, here is a letter unopened; and I said, open it, and mark it as you have done the rest.

Q. Was that Lauzun?

A. No; I think it was Gurnell.

Q. What were the contents of the letter in the enclosure?

A. I don't know.

Q. Did you understand it to be a letter enclosed in another?

A. I did, and desired him to open it and mark it.

DAVID MARTIN sworn.---Examined by Mr. *ERSKINE*.

Q. What is your trade?

A. An engraver.

Q. Where is your place of residence?

A. At Sheffield.

Q. How long have you been an inhabitant of Sheffield?

A. About twelve years.

Q. Have you carried on trade during that time?

A. I have.

Q. Was you a member of the Sheffield society?

A. I was.

Q. Up to what time did you continue a member?

A. Till within about three months to this commencement. I did not attend after the time Mr. Camage was taken up by government.

Q. What

Q. What was your object in being a member of that society?

A. For the purpose of obtaining a reform in the Commons House of Parliament, by legal and constitutional means.

Q. Now I ask you upon your solemn oath, for truth is better than all other things, from all you observed, and heard, and saw in the course of your attendance upon that society, had you any reason to believe or think that their object was different from your own?

A. By no means.

Q. I need hardly ask you if you heard any thing pass which led you to believe, or do you now believe, they had any intention to attack the government by armed force?

A. I had not the most distant idea of it.

Q. Was you a member of the society at the time the Sheffield society sent a delegate to Scotland?

A. I was.

Q. From what passed in the society upon that occasion, what was your object in sending your delegate? What was he to do?

A. For the purpose of co-operating with the other delegates, to obtain a parliamentary reform.

Q. By what means did you conceive that was to be effected?

A. By a petition to Parliament.

Q. After having had the petition rejected when Mr. Grey brought it forward, what was the reason for having delegates? The former petition having been rejected, what did they expect would be the consequence of a petition from delegates?

A. I do not understand you.

Q. What good effect did you expect to arise from sending delegates from large bodies of people?

A. To learn the effect of the sentiment of the great body of people.

Q. What effect did you expect that sentiment to produce?

A. I expected that the general sentiment of the people would make an impression upon the Parliament, and produce that effect.

Q. I ask you solemnly upon your oath, whether it was in your contemplation that it was the intention that these delegates should contrive means to compel it by force?

A. By no means.

Q. Would you have remained in the society if you had supposed that was their intention?

A. Certainly not.

Q. Was any thing said, or did you collect from the general objects of your society, that it was their intention to affect the King's majesty, either his person, state, or dignity in the realm?

A. Certainly not.

Q. Was their intention, that you could collect, (I am not asking you your imagination, but from what passed in the society,) to touch the Lords' House of Parliament?

A. Certainly not.

Q. Was you at the Castle Hill when Mr. Yorke made a speech there?

A. I was, partly; not all the time.

Q. I take it for granted, every now and then a very hot spirit might shew itself?

Lord President. Do not take any thing for granted when you are examining witnesses.

Mr. Erskine. I will not ask any more questions.

Cross-examined by Mr. ATTORNEY GENERAL.

Q. Mr. Martin, you have lived at Sheffield some time?

A. I have.

Q. Who were the persons who principally managed the business of the society?

A. The committee chosen from the society occasionally managed the society.

Q. Do you know a person of the name of Gales, a printer of Sheffield?

A. Yes.

Q. Was he an active member in the society?

A. Yes.

Q. What became of Mr. Gales?

A. I cannot tell.

Q. Is he at Sheffield now?

A. I believe he is not.

Q. Upon your oath, do not you know he is not?

A. Upon my word I do not know. I cannot possibly say.

Q. Have you called at Mr. Gales' house in Sheffield within two months?

A. I have, the house that was Mr. Gales'; he has no house at Sheffield now, I believe.

Q. You were made a member of the Constitutional Society so long ago as March, 1792?

A. I believe so.

Q. Was it done with your knowledge?

A. I believe so.

Q. Was it done at the request of any body in this part of the world or not?

A. Not that I know of; it was the proposal in the committee.

Q. Do you recollect whose proposition it was that you should come to London?

A. I do not know.

Q. Do you recollect a letter from London being read in the committee desiring you to propose it?

A. I cannot particularly recollect.

Q. Recollect

Q. Recollect yourself, if a letter was not read in the committee, desiring that you might become a member of the society?

A. I do not.

Q. Do you recollect any thing about such a letter?

A. I cannot take upon me to say.

Q. Will you say you do not recollect?

A. I do not recollect.

Q. You were not acquainted, I believe, with the particulars of the conduct of the Convention in Scotland, were you?

A. No further than what appeared in the public newspapers.

Q. What newspapers are you speaking of?

A. The Edinburgh Gazetteer.

Q. Then am I to understand you, that you knew of the proceedings of the Convention as they appeared in that Gazetteer?

A. I heard them read.

Q. Then you approved of the proceedings as they appeared in that Gazetteer, did you?

A. Not altogether.

Q. What part of them did you disapprove?

A. Particular y that part relating to a secret committee.

Q. Now pray, had you a secret committee at Sheffield?

A. No.

Q. You had not got so far as that?

A. Nothing of the kind that I ever heard of.

Q. You were at the Castle Hill, you say?

A. I was at part of the meeting; only the latter part.

Q. Do you remember a resolution, when somebody proposed to petition the House of Commons, that that was negatived, and it was determined never to petition the House of Commons any more?

A. I was on the outside of the people, and did not hear it.

Q. You would probably disapprove of that resolution?

A. Perhaps I might.

Q. Do you know Mr. Yorke?

A. I do.

Q. Was he a Sheffield man?

A. I believe not.

Q. What brought him to Sheffield?

A. I can not tell.

Q. Had you much acquaintance with Mr. Yorke?

A. No acquaintance previous to his first coming to Sheffield.

Q. Did you know a great deal of him after he did come?

A. I have frequently seen him both in private and public.

Q. Were you very intimate with him?

A. No.

Q. Were you very often with him in private?

A. I was.

Q. You had both the same motives of obtaining a reform in Parliament by peaceable means?

A. I cannot say we had altogether.

Q. What was the difference between you?

A. In various matters relating to politics; but the specific difference I cannot at present recollect.

Q. Do you know who the editors of the Patriot were?

A. I do not.

Q. Upon your oath do you not?

A. I do not.

Q. Did you never hear who were the editors of that paper?

A. No; I never saw it.

Q. Did you never hear who were the editors of that paper?

A. I never did, except by public rumour.

Q. Who did you ever hear were the editors of the Patriot?

A. I have heard that certain persons were editors of the Patriot.

Q. Was not Mr. Brown one?

A. I have heard that Mr. Brown was one of them.

Q. Matthew Campbell Brown?

A. Yes.

Q. Do you know Mr. Brown's hand-writing when you see it?

A. I believe I do.

Mr. Erskine. This certainly is not evidence.

Lord President. It is not evidence of the fact, unless they can build any thing upon that.

Mr. Attorney General. Mr. Brown was your delegate to the British Convention?

A. I believe so.

Q. A peaceable, well-disposed man?

A. I thought so.

Q. Do you remember your society having any communication with the society at Stockport?

A. Letters have occasionally passed.

Q. Have you seen those letters in your society?

A. I have seen some letters, but I do not recollect particulars.

Q. They were associated for the same purpose, and the same end; they were all for peace, the same as yourselves.---Tell me if that is Mr. Campbell Brown's hand-writing or not, according to your belief? (a letter shewn him.)

A. I believe it is.

Q. You know upon the Castle Hill there was a motion made to petition the House of Commons?

A. Yes, I know there was by the public papers.

Q. Upon your oath, are you not in the secret that that motion was made by contrivance to be negatived?

A. I never was.

Q. Did you ever hear that before?

A. I have

A. I have heard it talked of.

Q. But at the time you attended the meeting, you did not know it was a contrivance?

A. I did not.

Q. Nor many hundred others beside you, I dare say?

A. I dare say not.

Mr. *Erskine*. The motion was made to petition Parliament. Was it meant to be negatived in order to petition Parliament by delegates, or was it that no petition was to be presented at all?

A. I understand it was to petition the House of Commons by delegates.

Q. Whatever Mr. Campbell Brown might write, or whatever he might think, or whatever he might do, did your society ever give him authority to attend for you, except in a legal and constitutional way in Edinburgh?

A. I believe not.

Q. Did your society give him authority, and confine him within legal and constitutional behaviour?

A. They did.

Q. Would you have been one to have sent him to Edinburgh, if you had thought he would have acted contrary to law?

A. I would not.

Lord President. Were the proceedings of the Castle Hill published?

A. They were.

Q. Was Mr. Yorke's speech published likewise?

A. The proceedings were, in which was included Mr. Yorke's speech.

Q. Have you read that speech?

A. I have seen it.

EDWARD OAKES sworn,---Examined by Mr. *ERSKINE*.

Q. What are you by trade?

A. A plater.

Q. You are an inhabitant of Sheffield?

A. Yes.

Q. Where did you live?

A. With my father, who is a grocer at Sheffield.

Q. Were you a member of the society?

A. Yes.

Q. From what time to what time?

A. From the year 1791, to the present time.

Q. Did you attend the meetings of the society regularly?

A. In general I did. I was a good attendant.

Q. What was your object in attending that place?

A. My object in attending the society was this: if by lawful and constitutional means, in co-operation with the rest of my brethren, we might be able to gain a reform in Parliament.

Q. How

Q. How did you expect that that co-operation would operate?

A. We expected our petitions would be granted.

Q. Did you expect more from petitions of delegations from large bodies, than from small bodies?

A. Yes.

Q. Did you expect that petitions from large bodies were more likely to convince Parliament of the policy and justice of the measure, than petitions from little bodies?

A. We did.

Q. If success should not be attended with the effect you wished, was it your object, if you were to be disappointed in that measure, to attempt to bring it about by violence or force?

Mr. *Solicitor General*. You are certainly irregular.

Mr. *Erskine*. I should be glad to know how I am irregular.

Mr. *Solicitor General*. It is not worth arguing.

Mr. *Erskine*. Then it is not, I am sure, worth interrupting me about.

Q. If the plan which you contemplated should not be attended with success, was it your object to pursue means of force?

A. Never.

Q. Would you have remained in the society if you had any reason to believe that was the intention of others?

A. I would not.

Q. From what passed in the society when you was present at their meetings, what did you collect to be their object?

A. I never understood that the object of the society as a body, or as individuals, was any thing more than a reform in Parliament; and they did not, as far as I know of them, desire in the least to obtain this object by any other means than petitioning Parliament.

Q. Was you present upon the Castle Hill when a petition to Parliament was rejected, and another petition to the King put in the room of it?

A. I was.

Q. When the petition to the House of Commons was negatived for the present, was it determined at no future time to petition Parliament, when you had collected the sense of the people to a larger extent?

Lord *President*. Does he know what the resolutions were?

A. I do not.

Mr. *Erskine*. Do you know the substance of them?

A. I do not know that the resolutions stated that Parliament should never be petitioned again.

Q. Did it refer to that time or all times?

A. I really think it referred to that time only.

Q. Was you in the society at the time it was proposed to send a delegate to Scotland?

A. I was.

A. I was.

Q. Did the proposition of sending delegates to Scotland come from Scotland, or did you send them without?

A. I cannot say. I do not recollect.

Q. When you sent your delegate on the occasion, what was the object of the society, as far as you collected it from what you heard on the occasion, of sending Mr. Brown to Edinburgh?

A. The object of sending Matthew Campbell Brown to Edinburgh was, in order that all proper measures should be considered of to obtain a reform in Parliament.

Q. Was Mr. Brown, as delegate from your society, to express the sense which your society had?

A. He was.

Q. Was it understood that they had any other object in view?

A. Our delegate, I dare say, would have been called from the Convention if any other object had been proposed.

Q. Was he to pursue the objects that society had professed?

A. He was.

Q. When delegates from the different societies had got together, what were they to do?

A. As I observed before, they were to point out a proper way of addressing Parliament in a constitutional way, as that might not be altogether thought upon by us: we thought them persons more capable of judging of the more effectual way of addressing Parliament than ourselves.

Q. What effect did you contemplate the petition of the delegates from a large body would have?

A. That petitions coming from so respectable a body, would have their weight in the House of Parliament.

Q. Did you think a petition from large bodies would be better received than from a small body?

A. We did.

Q. Did you contemplate, that by the pursuit of the same peaceable means, Parliament would yield to a sense of the justice of your petition?

A. That was our expectation.

Q. From any thing that passed in your society, was there in your society any contemplation against the King?

A. No, not any thing.

Q. Nor against his title and office?

A. Nothing against his title, office, or life.

Q. Was any thing said respecting the House of Lords when your delegate was sent off?

A. I do not recollect.

Q. Was it your object to produce any change but in the House of Commons?

A. I believe not.

Q. When

Q. When did you ever hear of any arms or pikes being made in Sheffield?

A. I cannot positively recollect the time; it is a few months back.

Q. Just a little time before Mr. Camage was taken up?

A. It was not long before.

Q. Do you remember whether the society, or any part of it, had been insulted and threatened?

A. I recollect very well the society had very great apprehensions of danger, by repeated threats from the opposite party, because the opposite party had given them very great occasion to fear, by their using them ill.

Q. Do you mean the magistracy or the people?

A. By no means the magistracy of the place; but the individuals who took upon themselves authority which we thought they had no right to do.

Q. Do you recollect whether that was complained of in the society, and whether any danger was stated there?

A. Yes it was.

Q. I ask upon your most solemn oath, whether any thing passed in the society for arming it as a body, for an attack upon the government of the country?

A. I am sensible in whose presence I stand; and I desire to speak the truth, the whole truth, and nothing but the truth; as in the presence of God, I can positively say, it was never agitated, and never has been thought of in the society to arm as a body to attack government.

Q. If any such idea did ever occur to any wicked man or men, have you reason to believe that if such an idea had been the object of your society, that you should have known of it?

A. I should.

Q. I do not ask what any wicked man in his private mind might contemplate; but if it had been the object of the society, or any number of them, do you believe you should have known it?

A. I believe I should.

Cross-examined by Mr. BOWER.

Q. You will remember, when you answer me what you recollected just now about the solemnity of your oath. You have been a member of the Sheffield society from the year 1791?

A. I have.

Q. And been intimately acquainted with the society from that time?

A. I have.

Q. Had you a committee to manage the affairs of the society?

A. Yes, we had.

Q. You was a member of that committee?

A. Yes.

Q. Were

Q. Were you there when twelve members were proposed to be sent to the Constitutional Society in London?

A. I was not present when any such thing was proposed.

Q. Do you know that twelve men were to be re-elected from your society at Sheffield, and deputed to be sent to London?

A. When I was there, never. I don't know there ever was such a proposition.

Q. I would not wish to turn it upon an expression; were they to be associated with any society in London, upon your oath?

A. I do not know that they were in any way to be associated with them, any further than by correspondence.

Q. Were they to be associated with them by correspondence?

A. In order for the co-operation that I stated before.

Q. Do you not remember if you was present when such a determination was come to?

A. I do not know that I was.

Q. Do you recollect such a circumstance being mentioned in the committee?

A. No, by no means.

Q. But do you not recollect that there was such a proposition made? Do you know whether any proposal that was made about associating members of yours came from London, or was it first proposed in Sheffield?

A. Indeed, I do not know.

Q. Did you constantly attend the societies?

A. I did not.

Q. And you never heard that such a motion had actually been taken up?

A. I did not.

Lord President. Did your committee take your proceedings down in writing?

A. Sometimes.

Q. They did not keep a regular account?

A. No.

Mr. Bower. What became of those proceedings that were put into writing in these committees?

A. Indeed I am perfectly a stranger to them: for at the time the persons were apprehended and taken to London, I did not attend the committee, and therefore I cannot say what was done by the committee.

Q. In whose custody were the proceedings kept?

A. They were kept by Mr. Broomhead.

Q. You say you expected your petitions would be heard; was you present when that resolution passed, which resolved not to petition any more?

A. I was.

Q. Was you present when any letter was written from the societies at Sheffield to the Constitutional Society of London,

respecting a radical reform of the country, dated the 14th of March, 1792?

A. Unless I was to know the contents of the letter, I cannot say.

Q. I will shew you the letter. Do you know a man of the name of Samuel Ashton?

A. Yes, I do.

Q. Was he an active member of your society?

A. He was, at the first period of it.

Q. Up to what period?

A. I do not know.

Q. Where is he now?

A. I do not know.

Q. Is he at Sheffield?

A. I apprehend not. I believe he is somewhere in the country.

Q. Was he the person that corresponded with London in the name of the society?

A. I believe he was.

Q. Look at that letter, and tell me if that is his hand-writing? *(a letter shewn him.)*

A. I cannot answer that.

Q. Do you believe it---you must have seen it?

A. When Mr. Ashton was a member of the society, I was not an active member.

Q. I ask you upon the solemn oath you have appealed to, whether you ever saw Ashton write on any subject?

A. I don't recollect whether I have or not.

Q. Upon your oath?

A. I cannot tell. I have seen him write, but not to examine his hand-writing.

Q. What is Samuel Ashton?

A. He was originally a painter.

Q. What is he now?

A. I suppose he has obtained a patent to dress leather.

Q. Now you may look at the contents of that letter, and tell me if you knew of that letter being writ on purpose to be sent to London? *(reads it.)*

Q. You have now read that letter; upon that same oath, do you know of that letter being sent?

A. I cannot answer.

Q. We know more of this, perhaps, than you are aware of, and therefore be cautious; upon your oath, do you believe or not, in the first place, that it was sent?

A. At the time this letter was wrote, I was not become an active member.

Q. After you became a member, did you not hear of it?

A. The

A. The letters were not known to the society at large, and therefore I am not able to say.

Q. This letter is dated March, 1792, and you stated that you became a member in 1791, of course must be written while you was a member; and though you had been a member some time, yet you state that you did not know that this letter had been written?

A. We, as a body, appointed a committee to transact our business, as they knew our views.

Q. Did you at any time know what the committees had been doing? Was any report ever made to the society?

A. At times there was.

Q. Once in a fortnight, or once in three weeks, or how often?

A. Sometimes oftener, and sometimes not so often.

Q. Was it once a week?

A. No.

Q. Was it once a fortnight?

A. No.

Lord President. Was there any fixed time?

A. No.

Mr. Bower. Upon your oath, had you any report of the proceedings about the 14th of March, 1792?

A. I cannot recollect.

Q. You see that letter is upon the principle of Paine's Rights of Man; had Mr. Paine's Rights of Man been introduced into the society?

A. They were introduced into the society before they were proved to be a libel.

Q. Your principles, however, that you state of the radical reform of the country, consistent with the principles of the Rights of Man, were the rights of man stated in that book?

A. I do not know whether this letter alludes to the rights of man in Mr. Paine's book.

Q. Read the three last lines.

Mr. Erskine. Read the whole of it.

Mr. Attorney General. This is not the letter that we intended, it being another letter of the same date. I beg to have it read.

(*Read by the Witness.*)

" Gentlemen,

" The society, feeling as they do the grievous effects of the present corrupt state defects, and the abuse of our country, the great and heavy oppressions which the common mass of the people labour under as the natural consequence of that corruption; and, at the same time, being sensible, to a degree of certainty, that the public minds and general sentiments of the people are determined to obtain A RADICAL REFORM OF THE COUNTRY, as soon as *prudence and discretion* will permit; believe it their duty

to make use of every prudent means, as far as their abilities can be extended, to obtain so salutary and desirable an object as a *thorough reformation of our country, established upon that system which is consistent with the Rights of Man.* For these reasons, with great deference and submission to the members of the Society for Constitutional Information in London, we beg leave to request that they will be pleased to admit the persons of the following names annexed hereto as members of their society, (they being our friends, and members of our society,) in order that a close connection may be formed, and a regular communication maintained, between the two bodies; that being thus strengthened, this society may be better enabled to govern itself with more propriety, and to render assistance to their fellow-citizens in this neighbourhood, and in parts more remote; that they, in their turn, may extend useful knowledge still further, *from town to village, and from village to town, until the whole nation be sufficiently enlightened, and united in the same cause, which cannot fail of being the case wherever the most excellent works of Mr. Thomas Paine finds residence.*

“ I am, Gentlemen,

“ Your most respectful and sincere friend,

“ By order of the Committee,

“ ——— Secretary for this society.

“ Sheffield, March 14, 1792.”

Mr. Bower. Now read this letter of the 14th of March, 1792; it is a letter found in the possession of Mr. Hardy.

(*Read by the Witness.*)

“ Sheffield Society for Constitutional Information, to the Society for Constitutional Information in London.

“ This society, composed chiefly of the manufacturers of Sheffield, began about four months ago, and is already increased to nearly TWO THOUSAND MEMBERS, and is daily increasing, exclusive of the adjacent towns and villages, who are forming themselves into similar societies.

“ Considering, as we do, that the want of knowledge and information in the general mass of the people has exposed them to numberless impositions and abuses, the exertions of this society are directed to the acquirement of useful knowledge, and to spread the same as far as our endeavours and abilities can extend.

“ We declare that we have derived more true knowledge from the two works of Mr. Thomas Paine, intitled ‘Rights of Man,’ Part the First and Second, than from any other author or subject. *The practice as well as the principle of government is laid down in those works, in a manner so clear, and irresistibly convincing,* that this society do hereby resolve to give their thanks to Mr. Paine for his two said publications, entitled ‘Rights of Man,’ Parts the First and Second. Also,

“ Resolved

" Resolved unanimously, That the thanks of this society be given to Mr. Paine, for the affectionate concern he has shewn in his second work in behalf of the poor, the infant, and the aged; who, notwithstanding the opulence which blesses the other parts of the community, are, by the grievous weight of taxes, rendered the miserable victims of poverty and wretchedness.

" Resolved unanimously, That this society, disdaining to be considered either of a ministerial or opposition party (names of which we are tired, having been so often deceived by both,) do ardently recommend it to all their fellow-citizens, into whose hands these resolutions may come, to confer seriously and calmly with each other on the subject alluded to, and to manifest to the world that the spirit of true liberty is a spirit of order; and that to obtain justice it is consistent that we be just ourselves.

" Resolved unanimously, That these resolutions be printed, and that a copy thereof be transmitted to the Society for Constitutional Information in London; requesting their approbation for twelve of our friends to be entered into their society, for the purpose of establishing a connection and a regular communication with that, and all other similar societies in the kingdom.

" By order of the Committee,

(Signed)

" SAMUEL ASHTON, Chairman."

" Ordered, that the secretary do return the thanks of this society to the Society for Constitutional Information, established at Sheffield; and that he express to them with what friendship and affection this society embraces them as brothers and fellow labourers in the same cause. That he do assure them of our intire concurrence with their opinion, viz. That the people of this country are not, as Mr. Burke terms them, *swine*, but rational beings, better qualified to separate truth from error than himself, possessing more honesty, and less craft.

" Resolved, That this society will, on Friday next, March 31st, ballot for the twelve associated members recommended by the Sheffield committee, and approved by this meeting."

Mr. Bower. Is that the hand-writing of Samuel Ashton?

Mr. Erskine. We shall take it as his hand-writing. I am going to prove it.

Mr. Bower. Do you know how these two letters of the same date came to be sent?

A. I do not.

Q. Did you ever hear any thing of this last letter before it was written, or afterwards?

A. I do not recollect.

Q. You never recollect hearing of that letter at all?

A. I do not.

Q. That was a letter written by the committee, and never communicated to your knowledge to the society?

A. I cannot say; I did not attend all the societies.

Q. But

Q. But I ask, whether to your knowledge the letter was ever communicated to your society?

A. I cannot say.

Lord President. Do you know whether it was, or was not?

A. I do not.

Mr. Bower. Do you know Mr. Yorke?

A. Yes.

Q. Were you present at the Castle Hill?

A. Yes.

Q. Did you hear Mr. Yorke's speech at the Castle Hill?

A. Yes.

Q. Did you read it?

A. No.

Q. Do you know Mr. Brown?

A. Yes.

Q. Did you ever read the paper published at Sheffield, entitled the Patriot?

A. I frequently read Mr. Gales' Register, which might contain extracts from the Patriot.

Q. Did you ever read the book entitled the Patriot?

A. I believe I have sometimes.

Q. What was the title of the Register?

A. The Sheffield Register.

Q. Look at that printed paper pasted to that book (the Constitutional Society's book)?

(Read by the Witness.)

"Sheffield Society for Constitutional Information, March 14, 1792."

Mr. Erskine. Does he know any thing of this of his own knowledge?

A. I do not.

Mr. Erskine. Then read it to yourself, Sir.

Mr. Bower. It has been read already.

Mr. Erskine. That is a very good reason why it should not be read now.

(The Witness looks over it.)

Mr. Bower. Have you read enough of it to enable you to tell me if those resolutions were circulated in Sheffield as the resolutions of your society, upon your oath?

A. Yes, I believe they were.

Q. You have seen them in circulation there, have you not?

A. I think so.

Q. Did your society circulate the books referred to in these resolutions; I mean this part of it, "We declare that we derive more true knowledge from the two works of Mr. Thomas Paine, entitled, Rights of Man, Part the First and Second, than from any other author or subject?"

A. Never since they were proved to be a libel.

Q. But

Q. But before that, were they circulated as the principles of government which your society had adopted?

A. They were, before they were proved to be a libel.

Q. Were they circulated in great numbers in the neighbourhood of Sheffield by that society?

A. Indeed I cannot say.

Q. Do you know, upon your oath, that they were circulated by the members of that society?

A. Before they were proved to be a libel.

Q. That is not the question, whether they were proved to be a libel; I ask you, once for all, were they in fact so circulated?

A. They were sold by various persons both in town and country.

Q. By whom---by Mr. Gales?

A. I do not know whether he sold them or no; I believe he did.

Q. Do you know, of your own knowledge, if they were circulated by any of the members of that society?

A. Yes.

Q. Who was that Martin who signed those resolutions---was he a chairman of your committee?

A. Not constantly.

Q. Was he at that time when these resolutions were passed?

A. I do not know that I was present at the time these were passed.

Q. Was he chairman when these resolutions were passed?

A. I do not know, except from his name being signed.

Q. How many members were there of the Constitutional Society at Sheffield at this time?

A. I do not know.

Q. Do you know whether 20 or 50, 500 or 5,000?

A. I cannot particularly say; I cannot answer to the exact number of the society.

Q. At this time, March, 1792, as near as you can?

A. I do not wish to say any thing but the truth.

Lord President. Give short answers, and speak to the purpose.

Mr. Bower. About how many might there be?

A. Probably 200.

Q. How came you then to state in your resolutions that they were increased to 2,000, if they were only 200?

A. There were many friends to our plans which we were proposing, who were not regularly adopted by our society as members.

Q. But it states that the members were about 2,000; were not 1,600 more than they had members?

A. It might, perhaps, allude to the number of people that attended the meeting, that were not members.

Q. Were

Q. Were persons admitted that were not members ?

A. Yes, at the first.

Q. Had you any meeting that amounted to 500, before March, 1792 ?

A. Yes, I believe we had.

Q. When you were united, what did you mean to do ?

A. We had no design at all to attack government by force of arms.

Q. If government had attacked you, what would you have done ?

A. We should have submitted to it.

Q. Had you any intention of altering the House of Lords in any respect ?

A. We expected if there was an equal representation in the House of Commons, that would tend to redress all our grievances. If there was any corruption in the House of Lords, that would be done away, and all the rest would follow of course.

Q. Then you mean now to state that your idea was nothing further than merely a reform in the House of Commons ?

A. Nothing more.

Q. Was the Martin who was chairman the last witness ?

A. Yes.

Mr. *Erskine*. You said, if there was any corruption in the House of Lords, it would follow of course ; did you mean that it would follow of course by an act of Parliament of Kings, Lords, and Commons ?

A. Yes.

Mr. *Bower*. That is a leading question.

Mr. *Erskine*. In what way is it possible to put it then ?

Mr. *Bower*. You may ask what they meant.

Mr. *Erskine*. Were not all your proceedings published from time to time in the public papers ?

A. I believe they were.

Q. Was there any concealment of what you did ?

A. I believe not.

Q. Were not the letters you have read here printed in the public newspapers ?

A. I cannot say. I believe the proceedings of the society were in general published in the papers.

Mr. *Bower*. Did that book, the Patriot, come out at the same time with the newspaper ?

A. The newspaper came out long before the Patriot.

DANIEL STUART called in again.

Mr. *Erskine*. This gentleman is secretary to the Society of the Friends of the People, and was sworn before.

Q. Have you any resolutions signed Samuel Ashton ?

A. I believe I have.

Q. Look

Q. Look at it, and tell the Gentlemen of the Jury the date of it. Had our Society of the Friends of the People at that time, (our society I call it, I myself being a member of it,) published this declaration?

A. They had.

Q. At what time did the Society of the Friends of the People first institute themselves, and publish this declaration? Have you got it about you?

A. I have; it was printed by the society, under my own inspection.

Q. Does this letter from Ashton refer to this address?

A. It does.

Mr. Erskine. We will read the declaration first, and then the letter.

Lord President. What is the date of the declaration you speak of?

(Read by Mr. ERSKINE.)

" Declaration agreed to by the society entitled the Friends of the People, associated for the purpose of obtaining a parliamentary reform. April 11, 1792.

" A number of persons having seriously reviewed and considered the actual situation of public affairs and state of the kingdom, and having communicated to each other their opinions on these subjects, have agreed and determined to institute a society for the purpose of proposing to Parliament and to the country, and of promoting, to the utmost of their power, the following constitutional objects; making the preservation of the constitution, on its true principles, the foundation of all their proceedings.

" First, To restore the freedom of election, and a more equal representation of the people in Parliament.

" Secondly, To secure to the people a more frequent exercise of their right of electing their representatives.

" The persons who have signed their names to this agreement, think that these two fundamental measures will furnish the power and the means of correcting the abuses which appear to them to have arisen from a neglect of the acknowledged principles of the constitution, and of accomplishing those subordinate objects of reform which they deem to be essential to the liberties of the people, and to the good government of the kingdom.

" Signed by

| | |
|----------------------------|----------------------------|
| " Charles Grey, Esq. M. P. | Right Hon. Lord Kinnaird |
| Hon. Tho. Maitland, M. P. | James Archdekin, Esq. |
| George Rous, Esq. | David Godfrey, Esq. |
| Wm. Cunninghame, Esq. | Higgins Eden, Esq. |
| John Tweddle, Esq. | Philip Francis, Esq. M. P. |
| Earl of Lauderdale | John Hurford Stone, Esq. |
| Nicolls Ravensford, Esq. | W. H. Lambton, Esq. M. P. |

James Mackintosh, Esq.
 Malcolm Laing, Esq.
 Arthur Piggott, Esq.
 J. B. Church, Esq. M. P.
 Gilbert Ironside, Esq.
 T. B. Hollis, Esq.

John Godfrey, Esq.
 George Tierney, Esq.
 J. Whitebread, jun. Esq. M. P.
 Sir J. Throckmorton, Bart.
 M. A. Taylor, Esq. M. P.
 William Breton, Esq."

Mr. *Attorney General*. Is that the Mr. Breton whose name occurs to a paper said to be the proceedings at Chalk Farm?

A. Yes, it is.

(Mr. *ERSKINE* goes on reading.)

" Tho. Rogers, Esq.
 Hon. Thomas Erskine, M. P.
 (meaning me, Gentlemen,)
 Tho. Thompson, Esq. M. P.
 Col. Tarleton, M. P.
 Mr. Secretary Bond
 Wm. Lushington, Esq.
 Samuel Rogers, Esq.
 Peregrine Dealtry, Esq.
 R. B. Sheridan, Esq. M. P.

Wm. Fullarton, Esq.
 Norman Macleod, Esq. M. P.
 James Lush, Esq.
 Mr. Ald. Sawbridge, M. P.
 Rich. Weld, Esq.
 John Claridge, Esq.
 John Wharton, Esq.
 James Martin, Esq. M. P.
 Wm. Smith, Esq. M. P.
 John Scott, Esq. M. P."

Mr. *Attorney General*. That is not me, Gentlemen.

Mr. *Erskine*. That Gentleman is not John Scott, Esq. but Sir John Scott. They are both very good men, Gentlemen.

" Sir Bellingham Graham, Bt.
 George Byng, Esq. M. P.
 John Cartwright, Esq.
 Jer. Batley, Esq.
 Ralph Carr, jun. Esq.
 Ralph Milbanke, Esq. M. P.
 Henry Howard, Esq. M. P.
 B. E. Howard, Esq.
 E. B. Clive, Esq.
 Henry Howard, Esq.
 John Leach, Esq.
 John Nicholls, Esq.
 John Richardson, Esq.
 Wm. Chisholm, Esq.
 John Fazakerley, Esq.
 Rich. S. Milnes, Esq. M. P.
 Samuel Shore, Esq.
 Samuel Shore, jun. Esq.
 John Kingfishan, Esq.
 Edw. Jer. Curteis, Esq.
 Samuel Long, Esq. M. P.
 John Bourdieu, Esq.
 T. B. Rous, Esq.
 D. O'Bryen, Esq.

J. Lodge Batley, Esq.
 James West, Esq.
 W. Powlett Powlett, Esq. M. P.
 George Livius, Esq.
 Right Hon. Lord Daer
 Hon. John Douglas
 Rev. Dr. Kippis
 James Jacques, Esq.
 Adam Walker, Esq.
 Rich. Sharp, Esq.
 Rev. Dr. Joseph Towers
 John Turnell Tuffen, Esq.
 John Clerk, Esq.
 Tho. Bell, Esq.
 John Wilson, Esq.
 Andrew Stirling, Esq.
 Rich. Heavyside, Esq.
 Mr. Ald. Combe
 Robert Merry, Esq.
 George Shum, Esq.
 J. W. Le Maistre, Esq.
 James Perry, Esq.
 Henry Clifford, Esq.
 John Crookshanks, Esq."

And about 20 or 30 more names, Gentlemen.

Mr.

Mr. *Erskine*. (To *Stuart*.) The objects of your society being communicated in this manner, did you receive this letter?

A. Yes.

Mr. *Erskine*. Having read that declaration, and the names that were published at the end of it, and published in all the newspapers, I now propose to read the letter.

(Read by the Clerk of the Court.)

Letter, dated Sheffield, 14th of May, 1792, addressed, "The Chairman of the Committee of the Friends of the People, at the apartments of the Committee, Frith Street, Soho."
(See *Appendix*.)

Mr. *Attorney General*. Do you know the hand-writing of Ashton?

A. I have never seen him write: I do not. He called on me. I know him.

Mr. *Attorney General*. Your Lordship and the Jury will observe the letter; it is in the same hand-writing as a letter read before of the 26th of March, upon the same subject.

Mr. *Erskine*. I take it for granted, upon receiving such a letter as that, the Society of the Friends of the People sent an answer to it?

A. Yes, they did.

Q. Did any reply come to that answer?

A. Yes, there did, in the year 1793, after the motion in the House of Commons. A motion of thanks was voted to all societies throughout the kingdom that had sent petitions; and that is a letter from Sheffield acknowledging the receipt of the vote of thanks, with the thanks of the society for it.

Q. Have you got one from Sheffield to Norwich of the 10th of September, 1792?

Mr. *Bower*. Don't you read the answer of the Friends of the People?

Mr. *Erskine*. Certainly, by all means.

Q. Was it signed by Mr. Grey?

A. Yes; I carried the answer to the Sheffield letter to Mr. Grey in the House of Commons, after having copied it fairly out for him to sign it.

Q. Of what date?

A. The 24th of May, 1792.

Q. Of what date is the reply?

A. I have not the reply, but it was approving very much of the answer.

(Read by the Clerk of the Court.)

Dated Frith Street, London, May 24, 1792, signed Charles Grey, Chairman; addressed, "Samuel Ashton, Esq. Chairman of the Constitutional Society at Sheffield." (See *Appendix*.)

Mr. *Erskine*. Was there any letter came to your society from the Hertfordshire society?

A. Yes.

Q. Is that the letter? (*showing it to him.*)

A. Yes.

Q. Was it read to the society?

A. Yes, dated October the 1st, 1792.

(*Read by the Clerk of the Court.*)

“ Roylston, October 1st, 1792.”

Mr. *Attorney General*. That letter is not in evidence.

Mr. *Erskine*. I thought it was; but I will not give up my right to read it. I will argue it by and by.

Cross-examined by Mr. ATTORNEY GENERAL.

Q. That letter you carried to Mr. Grey to sign?

A. Yes.

Q. It was signed?

A. Yes.

Q. Did you send that letter by post to Ashton?

A. I did.

Q. Did you know Ashton?

A. Not then personally.

Q. Do you know what Ashton is?

A. Yes; a tanner.

Q. What is he now?

A. I believe the same.

Q. It is directed Samuel Ashton, Esq.---that, I suppose, was a thought of your own?

A. No.

Q. By whose direction did you address it, Samuel Ashton, Esq.?

A. By the direction of the committee.

Q. Did any of them know his situation in life?

A. I believe none of them knew his situation at that time.

Q. You told us when you were here the other day, you did not know Mr. Hardy had been an associated member of the Constitutional Society: now I ask you, your letter being dated the 24th of May, do you know that the same Ashton, upon the 26th of the same May, which is later than the 24th, wrote a letter to the Constitutional Society, which I hold in my hand, stating, that they had received your moderate letter, a letter of the Friends of the People; and stating to that society, that as your principles were not according to the Rights of Man, the Sheffield society would have nothing to do with you, except so far as the Constitutional Society would afterwards permit?

A. I never heard of that letter before.

Q. Have you had any communication with Ashton since?

A. About a twelvemonth ago he was in town, or rather less, and called upon me.

Q. A short

Q. A short time previous to this, I think about the 27th of March, your Society of the Friends of the People had expressed their reason for having nothing to do with the Constitutional Society, and had stated to them that they would have no more correspondence with them?

A. No, it was about the beginning of May.

Q. It was before this letter of yours to Sheffield?

A. Yes.

Q. Did you ever know that Mr. Ashton had any communication with the Constitutional Society?

A. No, I cannot say.

Q. Did you know that twelve members of that very Sheffield society, to which you had been writing, were associated with the Constitutional Society, whose correspondence you had before rejected?

A. I cannot say. I believe I might have read it in the newspaper.

Q. Do you mean to say, Mr. Stuart, that at the time you permitted this letter to go from the Friends of the People to Sheffield, that you knew that the Sheffield society had twelve members associated with that Constitutional Society with whom your society had refused to correspond?

A. At the time of sending that answer I do not think I did; I believe I heard it afterwards.

Q. I do not mean to insinuate that you did, I do not believe that. You have heard my learned friend read a great many respectable names---how many of these Gentlemen may have quitted your society?

A. Perhaps about a dozen.

Mr. *Erskine*. And he can tell you how many have been added too.

Mr. *Attorney General*. Your society received this letter of the 14th from Sheffield, as a proof of their moderation?

A. Yes.

Q. And you received it accordingly?

A. Yes.

Q. And you know nothing of the letter I have been stating?

A. I do not.

Q. And did not know at that time of this association of twelve of their members with the Constitutional Society?

A. I did not.

Q. You were going to state that some Gentlemen left your society about this time?

A. Yes; five Gentlemen left the society at once, concerning which a letter is printed.

Q. Have you had any curiosity to read over the names of those respectable Gentlemen whose names are printed at the end of this declaration?

A. Yes.

A. Yes.

Q. Can you inform me how many of these Gentlemen were, and continue to be, members of that Constitutional Society, whose correspondence you had rejected?

A. I can only by hearsay. I believe Mr. Mooring is, but he has left the Friends of the People.

Q. Dr. Towers?

A. Yes.

Q. Mr. Cartwright?

A. Yes.

Q. Mr. Batley?

A. I do not know that he is.

Q. Mr. Thompson?

A. Yes.

Q. Mr. Sheridan?

A. Yes.

Q. Mr. Wharton?

A. Yes.

Q. Mr. Sharpe?

A. I do not know that he is a member of the Constitutional Society.

Mr. *Erskine*. I know there are some of them; I know the fact myself.

Mr. *Attorney General*. That is enough.

Q. When did Mr. Wharton become a member of your society?

A. I believe he was a member before I had any thing to do with it.

Q. I presume you always enquired who the persons were you addressed your letters to before you wrote to them?

A. Yes.

Q. Is Lord Daer a member of your society?

A. Yes, he is.

Q. I understand you to say there was an answer from Sheffield to your letter of the 24th of May?

A. Yes.

Q. From the same Ashton?

A. Yes.

Q. In as moderate terms as the letter you have inserted in the book?

A. Yes, approving of the letter we had sent.

Q. Do you remember whether that letter was dated before or after the 16th?

A. It is impossible it could be before, because the answer was wrote upon the 24th.

Mr. *Erskine*. Then I am to understand that this letter was in moderate terms, which must have been later than the 26th?

A. Yes.

Q. You

Q. You have been asked, whether Lord Selkirk's eldest son, Lord Daer is a member of the Friends of the People?

A. Yes, certainly he is.

Q. Did not every body know that Lord Daer had been in the British Convention at Edinburgh?

A. Yes.

Q. Every Gentleman in the Society of the Friends of the People knew and know that Lord Daer was a delegate there?

A. Yes, I believe so from the public papers.

Q. You knew it---does he remain still a member of the Friends of the People?

A. He does.

Q. Have you any reason to question his conduct upon that occasion?

A. None at all.

Mr. *Attorney General*. Did your society know what had been the proceedings of the British Convention?

A. They knew from the public papers, I believe; nothing further.

Q. I observe that you said the answer to that letter must be later than the 26th?

A. Yes; because it was a reply to the answer of Mr. Grey's letter dated on the 24th; and it would take two days to get an answer.

Q. Then an answer might have been returned on the 26th. Did you ever know a man change from a moderate man to a republican by the return of the post?

Mr. *Attorney General*. Did you ever know a man change to a republican in the course of the same post?

Lord *President*. The observations in this cause have been upon a much larger scale than usual.

WILLIAM DEWSNAP *sworn*.---*Examined by Mr. ERSKINE.*

Q. What are you by trade?

A. A razor maker.

Q. Was you a member of the society at Sheffield?

A. Yes, from very near the first to the last.

Q. Did you attend pretty regular in general?

A. Yes, I did.

Q. What was your object in becoming first, and afterwards continuing to be a member of that society?

A. The object that I had in view was a reformation in the Commons House of Parliament.

Q. By what means did you seek to obtain that reform, by the associations that had taken place at that time?

A. By petitioning the House of Parliament.

Q. Why did you expect that petitioning, and having associations, and delegates from those associations, would be more successful than the ordinary way of petitioning?

A. It

A. It was to be upon the plan of the Duke of Richmond; that was the idea I formed upon the business.

Q. From what you heard pass, and from the general proceedings of the society, had you any reason to believe that the object of the society in general, or have you now reason to believe their object was different from your own?

A. From the knowledge I had of the society, I believe they had but one object in view, which was the same I had.

Q. You recollect, no doubt, Mr. Dewsnap, the obligation under which you speak, that you are sworn to speak the truth?

A. Yes.

Q. Then recollecting the sanction under which you speak, you declare solemnly, that to be your belief; that that was the general object of your society?

A. Yes.

Q. If there had been any idea to subvert the government, (as to touching the King's life, it is indecent to state it to you, but to subvert the government,) would you have belonged to this society?

A. No.

Q. If you had observed that was the object of the society, would you have continued in it?

A. No, I should immediately have withdrawn from them.

Q. If you had discovered---I am not talking of your own internal ideas; not what one intemperate man might do---but if you had discovered from the general objects of that society, that its intention was mischievous, and to accomplish this purpose by force, would you have continued in it?

A. No; I should have immediately withdrawn from it, if I had observed any thing that could lead me to believe any such thing was intended to be effected by force.

Q. Was you in the society when the delegate was sent to the Convention in Scotland?

A. I was.

Q. What did you understand the delegate was sent there for, representing your society as a delegate in Scotland?

A. I understood, that they were to associate together in order to inform the minds of the people, and draw up such papers to be represented to government as they thought most conducive to bring about a reform in the Commons House of Parliament.

Q. When Mr. Brown was sent to Edinburgh, was he authorized to proceed in any way but by the same constitutional objects the society itself had in view?

A. No; he had no authority to do any thing but what the society had always done.

Q. Do you remember at any time any alarm spread in your society on the subject?

A. I cannot justly mention the moment; not long ago.

Q. Not

Q. Not long ago, do you remember a hand-bill?

A. I have no knowledge of the hand-bill.

Q. Do you remember any insults being offered to any of the society?

A. I have seen people frequently assembled together, and heard them threaten to assault and insult the society, and from inflammatory letters that were published in the several papers by one Ruffel, that very much alarmed the people of the society at Sheffield.

Q. Did you ever hear any thing of pikes?

A. I am almost a stranger to the pike business; I have heard of it.

Q. Had it been the object of the society in general to arm, must you not have known it?

A. I must, certainly.

Q. Was it ever proposed in the committee, or from the committee to the society, or ever mentioned in the society, that you should have arms for your defence against the government of the country?

A. No; it was a question that was never agitated in the committee.

Q. Or in the society?

A. Nor in the society.

Q. Till these people were taken up, and this unhappy business which detains us here originated; I ask you, as an honest man, if you ever heard of such a thing in your life as arming, either to resist government or attack it?

A. I never heard it either before or since.

Q. Was there any object of your society which extended beyond the Commons House of Parliament?

A. No, we had not; I had not for my own part, and I have a reasonable hope that nobody else had.

Q. Is that reasonable hope founded upon the proceedings, what you saw of them?

A. Yes, it is.

Q. Was your society upon the plan of the Duke of Richmond?

A. Yes; and that was the only object the society at large had in view.

Q. Was that stated from time to time in the society?

A. Yes, frequently; and they published the letter of the Duke of Richmond to Colonel Sharman.

Q. What was the reason of your society circulating this letter?

A. For the sole purpose of informing the society at large of the principles upon which they intended to go.

Q. From every thing you know of the society of your own knowledge, did they appear to you to adhere to that object?

A. Yes, strictly.

Cross-examined by Mr. LAW.

Q. You have said that it was your object to obtain a reform by petitioning Parliament?

A. Yes.

Q. Was it your object all along to obtain a reform through the medium of Parliament?

A. It was.

Q. How long have you continued a member of this society up to the present time?

A. Between two and three years.

Q. Was you at a meeting at the Castle Hill, in April last?

A. I was.

Q. Was not the purpose of petitioning Parliament expressly negatived in that meeting?

A. It was.

Q. Do not you know that, by contrivance, the proposition was brought forward for the purpose of bringing a negative?

A. I was not in a situation to hear what passed; there was a very large concourse of people, that I could not get near.

Q. You heard the question put?

A. I cannot say that I did; I was at a great distance, and there was a large concourse of people.

Q. Did not you read the proceedings afterwards in Mr. Gales' paper?

A. I might see it, but I recollect very little of it.

Q. Whatever question was put, was it negatived or was it not?

A. I believe it was.

Q. Were there any voices that you heard in the affirmative?

A. I do not know that there were.

Q. Did you, knowing that the question that was about to be put, had been negatived, and it being your object to obtain a reform through the medium of Parliament, did you withdraw yourself from that society?

A. No.

Q. Do you know of any single individual, in consequence of that vote, having left the society?

A. I do not recollect a single individual.

Q. Do you know if the proceedings of the British Convention were not approved of by your society?

A. That is a matter that I cannot speak to.

Q. Was not there a vote of approbation in your society of the proceedings of that Convention?

A. I have some recollection of it.

Q. Did you, before the meeting, know either from Mr. Broomhead or Mr. Camage, that the question for another application to Parliament, which was put upon the Castle Hill, in April,

April, 1794, was meant to be put for the purpose of being negatived?

A. No, I did not; and I had a personal correspondence with Mr. Broomhead in the neighbourhood for 12 or 14 years.

Q. Do you believe it was or not put for the purpose of being negatived?

A. I do not know; it is a matter I cannot speak to.

Q. However, no one, in consequence of that, withdrew himself?

A. Not that I know of.

Q. Do you know who is the author of the paper called the Patriot?

A. No, I cannot speak to that.

Q. Do you know one Mr. Brown, the delegate to the Convention?

A. Yes, I do.

Q. Was he the editor of it?

A. I don't know; I cannot say.

Q. Did you ever speak to Mr. Brown upon that subject?

A. No.

Q. After you had read it in Mr. Gales' paper that that question had been negatived, did you conceive after that, that it was still meant to be obtained by the medium of petitioning Parliament?

A. It was said, that they meant to petition his Majesty.

Q. Was that question ever put?

A. I never heard it was.

Q. You say you had heard nothing of arming?

A. No.

Q. Do you know Mr. Yorke or Redhead?

A. I have seen him in Sheffield, but I never spoke to him in my life.

Q. Do you know Mr. Davison?

A. No; to my knowledge I never saw him.

Q. Did you ever hear of such a thing as a pike being prepared or ordered under the direction of Mr. Yorke?

A. I never did; the first I ever heard of it was, that Mr. Davison had wrote a letter to Thomas Hardy, of London.

Q. When did you hear that?

A. After Thomas Hardy had been taken up.

Q. Had you ever heard any proposition for defending yourselves against what you have called the opposition party?

A. Yes.

Q. When was that?

A. The time I cannot justly recollect; but I never heard it in the society.

Q. Did you ever hear any proposition to apply to government or the magistracy against that opposition?

A. I do not know that I did.

Mr. *Erskine*. If there had been any proposition, much more if there had been any preparation for such arming, must you not have heard it?

A. Yes; and if the idea of arming had been general, there would no doubt have been a large number of pikes ordered.

Q. At the time this petition was negatived, the delegates had not been sent, had they?

A. Not to Scotland.

Q. Was the petition that was negatived, a petition from the people of Sheffield, or the delegates?

A. The people of Sheffield.

Q. But was it ever voted that the delegates should not petition?

A. I do not know that the question was ever put.

Mr. *Law*. Look at that letter, and tell us if that is Mr. Ashton's hand-writing? Are you acquainted with his hand-writing?

A. No, not very well.

Q. How many hundred times have you seen him write? Have you not seen him write very frequently?

A. Not six times in my life.

Q. Do you believe it to be, or not to be, his writing? You must have a belief either one way or the other?

A. I cannot say I believe that it is, or that it is not.

Q. Can you form no judgement upon it?

A. I cannot.

Q. Do you know where Mr. Ashton is at present?

A. Somewhere in the country, I know not where.

Q. Where was he when you heard of him last?

A. In London.

EDWARD SMITH *sworn*.---*Examined by Mr. ERSKINE*.

Q. Where do you live?

A. In Sheffield.

Q. What is your trade?

A. A cutler.

Q. Was you a member of this society?

A. Yes.

Q. How long have you been a member?

A. Ever since 1791.

Q. Up to the time that these people were taken up?

A. Yes.

Q. What was your object in being a member?

A. To obtain a parliamentary reform.

Q. What do you mean by a parliamentary reform?

A. Upon the same plan with the Duke of Richmond and Mr. Pitt.

Q. Had you any of the Duke of Richmond's Letters to Col. Sharman?

A. Yes.

Q. Is that one of them? (*shewing it him.*)

A. Yes, it is.

Q. From every thing you collected in the society, was that their object?

A. It was.

Q. It was read in the society frequently?

A. Yes, at times.

Q. Do you remember this, (*reads*) "Another subject of apprehension is, that the principles of allowing to every man an equal right to vote, tends to equality, in other respects, and to level property. To me, (that is, to the Duke of Richmond,) it seems to have a direct contrary tendency. The equal rights of men to security from oppression, and to the enjoyment of life and liberty, strikes me as perfectly compatible with their unequal shares of industry, labour, and genius, which are the origin of inequality of fortunes; the equality and inequality of men are both founded in nature, and whilst we do not confound the two, and only support her establishments, we cannot err." When you talked of the rights of man in your society, what did you understand by it yourself?

A. An equal representation in Parliament.

Q. Did you mean any thing connected with France?

A. No.

Q. Or did you mean what you have just now stated, equal representation?

A. Equal representation of this country in the Parliament House of Commons.

Q. If you had observed in attending upon the society, that other people's objects were different from those which you have expressed, would you have continued in it?

A. Not a day.

Q. If you had not clearly discovered it, only had reason to suspect?

A. I never heard any thing to the contrary in the society, as a body.

Q. Was there ever any thing in the society, as a body, that led you to think they meant to attack the dignity of the House of Lords, or the Crown?

A. Not at all; much the other way.

Q. Did you ever hear in the society any resolution concerning the House of Lords?

A. Never, to touch the dignity of the House; the plan we meant to go by was the same as in 1688.

Q. What do you mean by 1688?

A. The glorious acts we obtained by the Revolution in 1688.

Q. Was there ever any idea that it was to be accomplished by force?

A. Never by us, as a body.

Q. Did you ever hear, not merely by your society, but by yours

yours and other societies, any determination that this object was to be carried by force of arms?

A. Never.

Q. When was it that you did hear of arms in Sheffield?

A. I never heard arms named till papers were thrown about the street, and published in the Courant, calling upon the people of Sheffield to stand forth and destroy people of a different persuasion from themselves: signed, G. Russel, of Bradford.

Q. Did that create any alarm in any of the members?

A. Yes. I cannot tell every circumstance particularly. Frequently, when there was any kind of rejoicing, any good news from the Continent, it was the practice of the opposition party to come and fire pistols into the windows of the democrats; they have even fired into my window when I have been in bed.

Q. Had you done any thing, or the society, to damp the joy that that good news might inspire?

A. Nothing at all.

Q. Had the society met to disturb them in any thing they chose to do in consequence of the victory?

A. No.

Q. Did you give any offence of any kind to them?

A. No.

Q. And notwithstanding this, did this society ever regularly arm themselves?

A. No.

Q. Was there any proposition that they should arm themselves to resist the magistracy?

A. If it had been determined, Sheffield could have furnished pikes for 10,000 men in one day; but it never was.

Q. Had you then, or have you now, reason to believe there was any determination to pursue such means?

A. No, nothing but peace and good order; that was always held forth in the society. They used to call me a democrat.

Q. As a person that did not love the King?

A. They called me so because I wanted an equal representation in the House of Commons; that is what I understand by it.

Q. With respect to the King, had you any wish to touch or affect your Sovereign in any respect, so help you God?

A. No.

Cross-examined by Mr. GARRÖW.

Q. I shall not trouble you with the questions my learned friend has put to you, whether you have not been guilty of high treason, and deserved to be hanged.---These papers that were thrown about the streets of Sheffield, alarmed very considerably you who were called democrats?

A. Yes.

Q. And made you think it necessary to procure arms in your own defence?

A. Yes.

A. Yes.

Q. How many people did arm themselves in their own defence in consequence of these alarms?

A. It is impossible to say. I cannot tell. It was never any matter in the society.

Q. But you, doubtless, procured a musquet, and a bayonet, and a pike?

A. No, I never did in my life.

Q. Not a pike?

A. No.

Q. Neither musquet nor pike, upon your oath?

A. Upon my oath.

Q. You continued without arming yourself?

A. I did; I kept in my house.

Q. Which of the magistrates was it, for I have forgot his name, that you applied to, to prevent these people?

A. No magistrate.

Q. I beg pardon, it was the Secretary of State, was it?

A. No, not as a society.

Q. But which of the magistrates was it you applied to as an individual?

A. None.

Q. Nor a Secretary of State?

A. No.

Q. Did you not complain of these papers?

A. No, they were in the newspapers; it was put in the Registers that we advised people to arm.

Q. There were papers thrown about the streets, desiring the opposite party, opposite to the democrats, to destroy all the people of a different persuasion?

A. Yes.

Q. That was the same paper which desired people to arm against domestic enemies and foreign invasion?

A. I cannot say.

Q. Upon your oath, did you ever see any paper distributed in Sheffield by the opposite party, except that paper which is an invitation to the people to arm against domestic enemies and foreign invasion?

A. It was that that I named in the Courant.

Q. Upon which your society immediately adopted the very words of it, and invited the democrats to arm for the protection of property?

Mr. Erskine. Is that a legal question?

Lord President. It is no question at all; it is an assertion.

Witness. As far as they could do, according to the rules of the constitution.

Q. Did not they adopt the very language of the paper which
you

you state to be an excitement to destroy people of the adverse party?

A. They apprehended danger.

Q. Did they not adopt the very words?

A. Similar to it.

Q. That Gentleman has read to you the Duke of Richmond's plan, and Mr. Pitt's, as the things you went upon. Now be so good as inform a very ignorant man, as I profess myself to be, what was their plan?

A. That it was to obtain a more equal representation in Parliament, as I understood the matter.

Q. What was that plan?

A. For every man to have his voice.

Q. So much for the accuracy of your definition. That Gentleman read you something of the rights of man from the Duke of Richmond's plan; those were the only doctrines of the rights of man you ever troubled your head with at Sheffield. Did you ever read any other publication about the rights of man?

A. Sometimes.

Q. You was a cutler; then of course you have a cheap copy of Tom Paine's Rights of Man?

A. I have read Paine.

Q. You know that is not an answer, because every cutler in Sheffield had. Had you one of the cheap copies?

A. I have seen the best edition---I have seen both. I never published them.

Q. I must have an answer. Have you one?

A. Yes.

Q. A cheap copy---was it made you a present of?

A. I had it from a subscription.

Q. A subscription in the society?

A. No, from a few friends.

Q. Upon your oath, how many friends of your trade had the cheap edition of the Rights of Man---did they not amount to many thousands from the cutlers alone?

A. There were a great many; I cannot say how many.

Q. Having read it, for you seem to be an accurate man, let me ask you whether you considered that book a sensible well-written book?

A. I thought well of it.

Q. Was you or not one of those who attended and passed resolutions very properly approving of that book?

A. Sometimes I was there, and sometimes not.

Q. You mean at the society, where it was read for information and instruction?

A. It was seldom or ever read there; that I know of.

Q. But was it in the division meeting?

A. When

A. When a few friends met privately in our own houses.

Q. There were other cheap books furnished by subscription, were there not?

A. I cannot recollect.---There were some.

Q. Do you recollect the proceedings of the Globe Tavern in this town?

A. No.

Q. Chalk Farm?

A. No.

Q. You have seen the proceedings at the Crown and Anchor?

A. I never heard any further than in the public papers.

Q. You had all Paine's works, I suppose, at least?

A. No.

Q. Was you one of those who was present at a meeting where there was a public resolution expressing approbation of Paine's works?

A. I do not recollect; I do not think I was there.

Q. Will you venture to swear you was not?

A. I believe I was not.

Q. If you had been there you would not have dissented to it?

A. I don't know any thing about that.

Q. You have told me you considered them most admirable things; you believe it to be a valuable work?

A. I do.

Q. What do you take to be his notion about the use of monarchy in any state?

A. I never took that into consideration properly.

Q. Upon your oath, do you not understand his plan to be to get rid of Kings every where, not only as useless, but as destructive of the rights of man? (*The Witnesses hesitated.*)

Q. You are not asked what you thought of it yourself, but whether Mr. Paine did not propose it in that manner?

A. So far as I approved of Mr. Paine's works I agreed with him.

Q. Upon your oath, did you not understand it to be expressly written for the purpose of inculcating the notion, that monarchy was destructive of all civilized states, and the rights of man, and that you could not too soon get rid of Kings?

A. That was never the intention of the society; they never took that part. I did not understand them to mean an approbation of his whole work, but only so far as respected the parliamentary reform.

Q. (*Reads.*) "All hereditary government is in its nature tyranny." Do you happen to know that the monarchy of this country constitutes a part of an hereditary government, and that Paine states it as being interwoven, and in its very nature tyranny?

A. I suppose he does.

Q. "An heritable Crown,"---you are politician enough to know the Crown of Britain is an heritable Crown?

A. Yes, I believe it is.

Q. And the throne of Great Britain an heritable throne too?

A. Yes.

Q. (*Reads.*) "An heritable Crown, or an heritable Throne, or by what other fanciful name such things may be called, have no other significant explanation than that mankind are heritable property. To inherit a government is to inherit the people as if they were flocks and herds." That was not expunged, I hope, in your cheap edition?

A. The society never took that into consideration at all.

Q. Was that passage fairly printed in your copy?

A. I cannot say.

Q. Upon your oath, was that in your copy?

A. I cannot say.

Q. Then you had no idea of heritable Crowns, or heritable Thrones, or fanciful things of that sort in Paine's book?

A. I never took that into consideration.

Lord President. You are not asked if you approved of it, if you took it into consideration; but whether it was in the book?

A. Whether it was or not, I cannot say: it might be.

Mr. Garrow. Is there any thing in Paine's book that had for its object to reconcile the people to the necessary expence of their establishments and government, to make them contented under the weight of taxes which every body must bear, or was there any passage to reconcile the people, and make them submit to the necessary burdens of the state?

A. I do not know.

Q. Were there none that struck you to have a contrary tendency, to excite the people to be dissatisfied and discontented, that they were burdensome and unnecessary?

A. We thought they were; we thought it was our duty to apply to Parliament for redress.

Q. That is no answer. Tell me if you recollect this passage. I will read it to you. "It is inhuman to talk of a million sterling a year, paid out of the public taxes of any country, for the support of any individual, whilst thousands, who are forced to contribute thereto, are pining with want, and struggling with misery?"

A. I do.

Q. Do you recollect this passage---"Monarchy would not have continued so many ages in the world, had it not been for the abuses it protects. It is the master fraud which shelters all others?"

A. Yes; that was never agitated.

Q. You

Q. You read that passage. Did you consider that as a strong argument in defence of monarchy, or of its immediate destruction: which way did you understand it?

A. We did not, in any way, mean to touch on the laws of this country.

Q. Attend to my question and answer it. How did you understand the passage I have read to you, that "Monarchy would not have existed so many ages in the world, but for the abuses it afforded protection to?" Did you understand that to be a recommendation to the people of England to cultivate the monarchical system or destroy it?

A. I can only answer for myself.

Q. How did you understand the author at that time?

A. I understood he was advising something pointing out disaffection to the King; but then it was always put away, and never meant to be adhered to by any of us or the society.

Q. Upon your oath, did not you understand the passage to be a recommendation to get rid of monarchy as soon as a pretence should offer?

A. We never intended to do so.

Q. Did not you understand the author so?

A. Certainly; the words are so.

Q. You understood that the object of a parliamentary reform was to be effected by petitioning, as the Gentleman put it: if the petitions of individuals would not do, there were to be petitions from a meeting or a convention of delegates?

A. Yes.

Q. And you expected your relief in petitioning Parliament?

A. Yes.

Q. I will read another passage. "The bill which the present Mr. Pitt brought into Parliament some years ago, to reform Parliament, was on the same erroneous principle. The right of reform is in the nation in its original character; and the constitutional method would be by a general convention elected for the purpose," and so on. Now, having read this as his account of a bill brought into Parliament, to reform Parliament, and having stated that the nation itself, in its original character, was to do it, did you still adhere to your notion of petitioning the House of Commons?

A. Yes.

Q. You stated to that Gentleman, that you grounded yourselves upon the glorious advantages obtained by the Revolution in 1688. You have doubtless read, with attention, Paine's account of those advantages?

A. I have seen them, but not to have read them all direct.

Q. Of course you have heard of such a thing as the Bill of Rights?

A. Yes.

Q. And have attended to Mr. Paine's account of it?

A. I have seen it.

Q. Do you know that he calls that same Bill of Rights, a bill of wrongs and insults?

A. I never heard any body call it so.

Q. But do not you know that this Mr. Paine, in his Rights of Man, says so?

A. Yes.

Q. Now, Sir, I observe you made use of these expressions more than once---that you never heard the society, as a body, propose to touch the dignity of the House of Lords, nor the society, as a body, propose to interfere at all with the monarchy?

A. No.

Q. Do you know Mr. Yorke?

A. I have seen him.

Q. And heard him, perhaps?

A. Yes.

Q. Private or public?

A. Both.

Q. Was you a member of the secret committee?

A. No, I was not.

Q. Was you at the Castle Hill when Mr. Yorke was there?

A. Yes.

Q. Was there a motion to petition Parliament?

A. Yes, there was.

Q. What was the fate of it?

A. It was moved to petition the King.

Q. The motion to petition Parliament was rejected?

A. Yes.

Q. How many votes might there be to petition Parliament?

A. I do not know.

Q. Do you not know, upon your oath, that there was not a single man voted for it but the solitary mover?

A. I cannot say; there was such a concourse that I could not get near.

Q. How were the votes taken?

A. By holding up of hands.

Q. Did you see any hand but the mover's held up for the petition?

A. I cannot say.

Q. Was you present upon the other hill, at the celebration of the fast?

A. Yes.

Q. How many thousands of you might be there on that day?

A. May be two thousand.

Q. You was one who joined in all the ceremonies of that day?

A. I was, or a looker on.

Q. Be

Q. Be so good as tell me, when was it that your society at Sheffield, your orderly and peaceable society, first addressed the National Convention of France, as a National Convention?

A. Never, to my knowledge.

Q. You never heard of such a thing?

A. Never.

Q. You did not know that Sheffield had sent any address to France?

A. No, I did not.

Q. Did you see the proceedings at the Castle Hill printed afterwards, with Mr. Yorke's speech?

A. Yes, but I never read them.

Q. There were great numbers distributed?

A. They were to be bought.

Q. You was not in the secret, that the motion to petition Parliament was made on purpose that it might be negatived?

A. No, I was not concerned in it at all.

Q. The petition to the King was for the abolition of the Slave Trade?

A. Yes.

Q. And a long list of grievances?

A. Yes.

Mr. *Erskine*. It was only a petition from Sheffield?

A. No.

Mr. *Erskine*. I now propose to read the Duke of Richmond's letter to Colonel Sharman; and in order to do it, I mean first to call his Grace, who is, I believe, attending.

His Grace the Duke of Richmond sworn.---Examined by Mr. ERSKINE.

Q. Your Grace will understand it is the forms of Court make us insist upon that solemnity. You will give me leave to ask you a few questions. I have troubled your Grace to attend, to inform the Court, whether this letter, which in the course of the evidence has been proved to have been read in the society at Sheffield, as written by your Grace, was so or not?

Mr. *Attorney General*. I submit to your Lordship, that my learned friend should be obliged to ask his question without stating why he asks it.

Lord *President*. I take it you call the Duke of Richmond to ask if it is his letter to Colonel Sharman; because what has passed with respect to it elsewhere he could have nothing to do with.

Duke of *Richmond*. It is extremely difficult for me to say whether the paper put into my hand is precisely the letter I did write to Colonel Sharman or not, because I have reason to think I recollect that there is a printed edition of that letter which was mutilated; therefore, whether that is the exact copy or not, I cannot say.

Mr.

Mr. *Erskine*. Does your Grace think, that by casting your eye over it with attention, you should be able to answer that question?

A. I think I can cut the matter short by giving Mr. *Erskine* to read a copy which is not mutilated.

Mr. *Attorney General*. The more regular way would be to read that copy of the letter which the witness looked at, and the other copy which his Grace has produced, overlook; it will be the better way.

(*Read by the Clerk of the Court.*)

" A Letter from his Grace the Duke of Richmond to Lieutenant-Colonel Sharman.

" SIR,

" I have been honoured with a letter from Belfast, dated the 19th of July last, written in the name of the Committee of Correspondence, appointed by the delegates of forty-five Volunteer Corps, assembled at Lisburn on the first of the same month, for taking preparatory steps to forward their intentions on the subject of a more equal representation of the People in Parliament, and signed by their secretary, Henry Joy, jun. Esq.

" In this letter, after shewing the corrupt state of the Boroughs in Ireland, the general opinion of the people that the Constitution can be restored to its ancient purity and vigour by *no* other means than a parliamentary reform, and informing me of the steps which have been taken and are taking by the Volunteers, in determining to procure this desirable object, the Committee is pleased to request my sentiments and advice as to the best, most eligible, and most practicable mode of destroying, restraining, or counteracting this hydra of corruption, Borough Influence, in order to lay my opinion before the provincial assembly of delegates, which is to be held at Dungannon on the 8th of September next.

" This great mark of confidence, from Gentlemen in whom so much trust is placed, does me great honour: for as I have not the pleasure of being personally known to any of them, I can owe it but to the favourable opinion they are pleased to entertain of my constant and zealous endeavours in the public service.

" I am sensible, that the only proper return I can make for this honourable distinction, is to obey their commands in the best manner I am able; for although my insufficiency for so arduous a task would afford me but too good an excuse for declining it, yet I feel it would be inconsistent with my ideas of the obligation every man is under to serve the public as well as he can, if I was to refuse giving my opinions, such as they are, when thus called upon by a respectable body of Gentlemen.

" Besides my inability, I have to regret the want of time to collect and arrange my thoughts in such a manner as to be fit

to appear before you, and the necessary limits of a letter, which will not admit of the extensive investigation which a subject of this vast importance deserves; for although I fear I must be long, I am sensible I cannot do it justice.

“ The subject of a parliamentary reform is that which, of all others, in my opinion, most deserves the attention of the public, as I conceive it would include every other advantage which a nation can wish; and I have no hesitation in saying, that from every consideration which I have been able to give this great question, that for many years has occupied my mind, and from every day’s experience to the present hour, I am more and more convinced, that the *restoring the right of voting universally to every man, not incapacitated by nature for want of reason, or by law for the commission of crimes, together with annual elections*, is the only reform that can be effectual and permanent. I am further convinced that it is the only reform that is practicable.

“ All other plans that are of a palliative nature have been found insufficient to interest and animate the great body of the people, from whose earnestness alone any reform can be expected. A long exclusion from any share in the legislature of their country, has rendered the great mass of the people indifferent whether the monopoly that subsists, continues in the hands of a more or less extended company; or whether it is divided by them into shares of somewhat more or less just proportions. The public feels itself unconcerned in these contests, except as to the oppressions it endures, and the exactions it suffers, which it knows must continue so long as the people remain deprived of all controul over their representatives. This indifference of theirs, when the last attempt was made for additional county members, was used by our opponents as an argument against all reform; it was asked with a triumphant air, where are the petitions from the inhabitants of Birmingham, Manchester, Halifax, and other great unrepresented towns? And their silence was deemed a proof of their acquiescence and satisfaction in the present form of elections! The truth is, that the people have been so often deceived, that they will now scarcely trust any set of men; and nothing but self-evident conviction, that a measure tends effectually to the recovery of their rights, can, or indeed ought, to interest them in its favour.

“ The lesser reform has been attempted with every possible advantage in its favour; not only from the zealous support of the advocates for a more effectual one, but from the assistance of men of great weight, both in and out of power. But with all these temperaments and helps it has failed. Not one proselyte has been gained from corruption, nor has the least ray of hope been held out from any quarter, that the House of Commons was inclined to adopt any other mode of reform. The weight of corruption has crushed this more gentle, as it would have defeated any more efficacious.

efficacious plan in the same circumstances. From that quarter, therefore, I have nothing to hope. IT IS FROM THE PEOPLE AT LARGE THAT I EXPECT ANY GOOD. And I am convinced, that the only way to make them feel that they are really concerned in the business, is to contend for their *full, clear, and indisputable rights of universal representation*. I call them such, not only from my own conviction, but from the admission of the friends to the more moderate plan, who, in the second address of the Yorkshire committee to the people, confess that our claims are founded on the true principles of the constitution, and only object to them on account of impracticability. But their plan has now had a fair trial, and (if it is from the inclination of Parliament that practicability is to be expected) has been found as impracticable as ours. The more extensive plan, at the same time that its operation is more complete, depends on a more effectual support, that of the People.

"I am also persuaded, that if the scheme for additional county members had proceeded any further, infinite difficulties would have arisen in adjusting it. Neither the Yorkshire committee, nor Mr. Pitt, have given the detail of their plan. A just repartition would have been a most intricate task, for where different interests are separately represented, the proportion is not very easy to ascertain. The doubt you state concerning this mode of reform, appears to me well founded; a few great families might divide a county between them, and choose the members by a house list, like East India Directors. Another difficulty from the increase of the number of members, which might render the House more tumultuous than deliberate, has its weight. But the greatest objection, in my opinion, to this and to every other narrow and contracted plan of reform, is, that it proceeds upon the same bad principle as the abuse it pretends to rectify; it is still partial and unequal; a vast majority of the community is still left unrepresented; and its most essential concerns, life, liberty, and property, continue in the absolute disposal of those whom they do not choose, and over whom they have no controul. In the arrangements of plans of this kind, there is no leading principle to determine that the addition ought to be one hundred, fifty, or two hundred; that the allotment should be according to the population, property, or taxes paid in each county; that any supposed proportion between the landed and trading interest is the just one, and that the division of county and city members will correspond with this proportion when found. All is at sea, without any compass to enable us to distinguish the safe from the dangerous course.

"But in the more liberal and great plan of *universal representation*, a clear and distinct principle at once appears that cannot lead us wrong. Not expediency, but right: if it is not a maxim of our constitution, that a British subject is to be governed

governed only by laws to which he has consented by himself or his representative, we should instantly abandon the error; but if it is the essential of freedom, founded on the eternal principles of justice and wisdom, and our unalienable birth-right, we should not hesitate in asserting it. Let us then but determine to act on this broad principle of *giving to every man his own*, and we shall immediately get rid of all the perplexities to which the narrow notions of partiality and exclusion must ever be subject.

“ In the digesting a plan upon this noble foundation, we shall not find any difficulty that the most common understanding and pains will not easily surmount. It does not require half the ingenuity of a common tax-bill; and as a proof of this assertion, I myself drew the form of a bill for this purpose, which I presented to the House of Lords in 1780; not as a perfect work, but merely to shew how easily the objections to the practicability of the plan, and the inconveniencies that are suggested, might be got over.

“ I believe the sending you a copy of my bill will be the best way of explaining its operations. I have not one ready at this moment, but it shall soon follow this letter.

“ I shall therefore only mention at present a few of its provisions, which I think entirely remove the most plausible objections that have been urged against it.

“ The present number of members in the House of Commons is preserved, so that all apprehension from too numerous an assembly ceases.

“ An account of the whole number of males of age in the kingdom is to be taken and divided by the number of members to be sent, which will find the quota of electors to choose one member; from the best accounts I can now get, it will be about *two thousand six hundred*: these are to be formed into districts or Boroughs from the most contiguous parishes; and by having all the elections throughout the kingdom in one and the same day, and taken in each parish, all fear of riot and tumult vanishes.

“ The great expence of elections, which arises chiefly from the cost of conveying electors to the place of poll, and entertaining them there and on the road, will be no more, when every man will vote in his own parish. Bribery must entirely cease; in a single Borough it would be difficult, on so many as to have any effect, impossible. The numbers to be bought would be infinitely too great for any purse. Besides, annual Parliaments, by their frequency, and by their shortness, would doubly operate in preventing corruption.

“ The vast expence of Petitions to parliament on account of illegal returns, would be reduced almost to nothing. The points on which these contests generally turn, are the qualifications of the electors under the number of restrictions the present laws have imposed, which require the attendance of witnesses, the

production of records, and are subject to infinite dispute. But when no other qualification should be necessary but that of being a British subject, and of age, there can be but little left to contend upon as to the right of electors to vote. All other questions that could afford ground for a petition would be trifling, and might be decided in one day. Many other objections are obviated by the bill, but it is needless here to mention them.

“ But there is another sort of objection against which no provision can be made, as it is merely imaginary. It is feared by some, that the influence of power and riches will give to the aristocracy so great a lead in these elections, as to place the whole government in their hands. Others again dread, that when paupers and the lowest orders of the people shall have an equal vote with the first commoner in the kingdom, we shall fall into all the confusion of a democratic republic. The contrariety of these two apprehensions might of itself be a sufficient proof that neither extreme will take place. It is true, that the poorest man in the kingdom will have an equal vote with the first, for the choice of the person to whom he trusts his all; and I think he ought to have that equal degree of security against oppression. It is also true, that men of superior fortunes will have a superior degree of weight and influence; and I think that as education and knowledge generally attend property, those who possess them ought to have weight and influence with the more ignorant. But the essential difference will be, that although the people may be led, they cannot be driven. Property will have its weight, as it ever must have, in all governments; and, I conceive, that in this plan it will precisely find its just proportion combined with talents and character. A man of great property that is beloved and esteemed, will, as he ought, have the greatest sway; but tyranny and oppression, though attended with riches, may be resisted, and will no longer be attended with a burgh tenure at command.

“ Another subject of apprehension is, that the principle of allowing to every man an equal right to vote, tends to equality in other respects, and to level property. To me it seems to have a direct contrary tendency. The equal rights of men to security from oppression, and to the enjoyments of life and liberty, strikes me as perfectly compatible with their unequal shares of industry, labour, and genius, which are the origin of inequality of fortunes. The equality and inequality of men are both founded in nature; and whilst we do not confound the two, and only support her establishments, we cannot err. The protection of property appears to me one of the most essential ends of society: and so far from injuring it by this plan, I conceive it to be the only means of preserving it; for the present system is hastening with great strides to a perfect *equality in universal poverty*.

“ It has been said, that this plan of extending the right of voting to every individual, creates much uneasiness in the minds of

of quiet and well-disposed persons: and that if paupers, vagabonds, and persons of no property, were left out, there would be no objection to extend it to all householders and persons paying taxes, and that the same division into districts might take place. My answer is, that I know of no man, let him be ever so poor, who in his consumption of food and use of raiment, does not pay taxes, and that I would wish to encourage an enthusiasm for his country in the breast of every subject, by giving him his just share in its government. I readily admit, that such an alteration would be a vast improvement; but I must prefer adhering rigidly to a self-evident principle, especially when attended with no inconvenience in the execution, that I can foresee. Besides, we should again fall into the difficulties of drawing the line of separation, and into the disputes about qualification.

“ The apprehensions that our government will become too democratic, have been urged on another ground. It has been said, that the House of Commons has usurped the whole power of government: that the Crown in reality no longer possesses its negative, and must in all things be ruled by the House of Commons; that the House of Lords, in consequence of its exclusion (by the will of the House of Commons and not by law) from interfering in money bills, no longer in fact exercises the functions of a branch of the legislature; that the only means by which the balance of the constitution is now in any degree preserved, is by the *irregular* influence of the Crown and of the Peers in the House of Commons: and that if they are totally excluded from interference there, as it is supposed will be the case if this bill passes, and are not restored to their original share of power, the equilibrium will be destroyed, and the government become purely democratic.

“ To remedy this objection, it has been answered by others, that it is but just and reasonable, and that they mean at the same time that the Commons are restored to their rights, that the Crown and the Peers should recover theirs. This answer has been ridiculed, in my opinion, with more wit than solidity of argument. It has been represented as admitting, that whilst the House of Commons continue corrupt, the King and Lords should submit to its decisions; but that when it should really speak the voice of the People, then it would be right to revive the dormant powers of resisting it.

“ For my part I agree in opinion with those who are for restoring to all parts of the state their just rights at the same time; to do it generally, not partially, is what I must contend for. At the same time, I admit that I am not for restoring the negative of the Crown. My reason is, *that it appears to me preposterous that the will of one man should for ever obstruct every regulation which all the rest of the nation may think necessary.* I object to it, as I would to any other prerogative of the Crown, or privileges of the Lords or People, that is NOT FOUNDED ON REASON.

“ But I agree, that if the House of Commons was reduced to its natural dependence on the People alone, and the present system of making it the exclusive part of the government was continued, we should approach to a pure democracy more than our constitution warrants, or than I wish to see. I am not for a democratic, any more than for an aristocratic, or monarchic government, solely; I am for that admirable mixture of the three, that our inimitable and comprehensive constitution has established; I wish to see the executive part of government revert to where the constitution has originally placed it, in the hands of the Crown, to be carried on by its Ministers; those Ministers under the controul of Parliament; and Parliament under the controul of the People. I would not have Parliament made, as it daily is, a party concerned in every act of state, whereby it becomes the executive, for which it is not calculated, and loses its superintending and controuling power, which is the main end of its institution. For when the two Houses are previously pledged by addresses, votes, and resolutions, it becomes extremely difficult for them afterwards to censure measures in which they have been so deeply engaged by acts of their own. Another great inconvenience arises from Parliament’s taking so much of the executive of government on itself, which is, the excessive length of the sessions; an evil which of late has greatly increased. Now that Parliament is engaged in every detail, in order to screen the Minister, it never can finish its business till the middle of the summer, when the independent country gentleman, tired of a long attendance and hot weather in town, is retired to his private business in the country, and that of the public left to be settled in thin houses by a few dependents of the Minister. A short session of two or three months would be sufficient to examine the expenditure of former grants, to make new ones, to redress grievances, and pass such general laws as circumstances might require. The inconveniency and expence to a private member of Parliament in attending his duty would then be trifling; and instead of forty Commoners and three Peers to form a quorum to decide the greatest matters of state, the attendance of two-thirds of each body, which would give respect to their proceedings, might and ought to be required. I am also free to my own opinion, that when the House of Lords shall be effectually prevented from having any influence in the House of Commons, as I think it must by this bill, it should at the same time recover its equal rights in every respect with the House of Commons as a co-ordinate branch of the legislature. These sentiments are, I think, consonant to the idea so well expressed in your letter to the volunteer army of the province of Ulster, ‘to restore to the Crown its original splendor, to nobility its ancient privileges, and to the nation at large its inherent rights.’

“ I believe

“ I believe I have now troubled you with all that is necessary concerning my plan. My Bill will shew the detail as far as concerns the House of Commons and the election of Scotch Peers: The regulations for restoring to the Crown its executive and to the House of Lords its deliberate functions, should be added to and form a part of this Bill; but I have not as yet had time and leisure to prepare them.

“ In what I have said, I have shewn my opinion concerning the 1st, 3d, 4th, 6th, and 8th questions you have proposed to me. There remains the 2d, 5th, and 7th to be considered.

“ In respect to the 2d, which I presume relates to the admission of Roman Catholics to vote at elections, I can only say, that the same principles which go to civil liberty, equally lead to liberty of conscience: I admire with you the glorious spirit of toleration, which you say has united the once distracted inhabitants of Ireland into one indissoluble mass: and I am sure that nothing short of evident danger to the state can warrant its interference in religious opinions. But unacquainted as I am with the state of Ireland, it is impossible for me to know the present temper and disposition of the Roman Catholics there, and those only who are on the spot can judge how far exclusions of this sort are necessary, or ought to extend.

“ With regard to the 5th question, If voting by ballot is advisable? I am clearly of opinion it is not. The idea of a ballot can have arisen but to avoid the effect of some improper influence; and I conceive it much more noble, directly to check that influence, than indirectly to evade it by concealment and deceit. I am convinced, that trivial circumstances in things like this, tend greatly to form the national character; and that it is most consistent with that of a British or Irish freeman, that all his actions should be open and avowed, and that he should not be ashamed of declaring in the face of his country whom he wishes to intrust with its interests. Upon the same idea that ballots may be a cover for independence, they must also be a cloak for bribery, and a school for lying and deceit.

“ As to the 7th question, Whether it would not be equitable or expedient that Boroughs now in the possession of individuals should be purchased by the nation? I think, that although no man can have a strict claim in equity to be refunded the loss of what neither buyer nor seller had a right to barter, yet it will be wise to purchase the good will, or at least to soften the resistance, of the present powerful possessors of boroughs by a most ample compensation. The liberties of a nation cannot be bought too dear: but the whole cost of these boroughs would not amount to the profits of one jobbing contract.

“ I have now answered all the questions you have been pleased to propose: but I must mention another advantage which ought to recommend the measures you are pursuing to every friend to the

the internal peace and quiet of the kingdom, which is, that when the people have obtained a regular, legal, and speedy way of giving effect to their sentiments, there can no longer be any apprehension of their endeavouring to redress themselves by mobs and tumults; and even such regular well-conducted meetings as yours will become needless. I mention this circumstance with the more satisfaction, as it stamps your conduct with the most unequivocal marks of disinterested patriotism. Power, when once acquired, is generally endeavoured to be preserved by its possessors; but you, after having taken up yours from necessity, and employed it usefully, are now endeavouring with unexampled virtue to render its continuance unnecessary. For great as your services have been in so soon forming a complete army, in the advantages you have procured for your country, in the good order you have preserved, and in the efficacy you have given to law, you will derive still greater credit, in my opinion, from your good sense in seeing that a great military force, totally unconnected with the civil government, cannot be a permanent establishment in a free country, whose first principle is never to trust absolute power in any hands whatever. Your present endeavours to restore the constitution to its purity and vigour, evidently tend to make this and every extraordinary institution unnecessary: for when the people are fairly and equally represented in Parliament, when they have annual opportunities of changing their deputies, and, through them, of controuling every abuse of government in a safe, easy, and legal way, there can be no longer any reason for recurring to those ever dangerous though sometimes necessary expedients of an armed force, which nothing but a bad government can justify. Such a magnanimous end to your proceedings, when after having restored liberty, commerce, and free government to your country, you shall voluntarily retire to the noble character of private citizens, peaceably enjoying the blessings you have procured, will crown your labours with everlasting glory, and is worthy the genuine patriotic spirit which animates the Irish Volunteers.

“ Before I conclude, I beg leave to express a wish that the mutually essential connection between Great-Britain and Ireland may soon be settled on some liberal and fair footing. That which did subsist was on such narrow and absurd principles, that no friend to either kingdom can regret its loss: founded on constraint and dependence, incompatible with the condition of freemen, Ireland had an indisputable right to dissolve it whenever she chose so to do. But surely, if we do not mean a total separation, it would be right to agree upon some new terms by which we are to continue connected. I have always thought it for the interest of the two islands to be incorporated, and form one and the same kingdom; with the same Legislature, meeting sometimes in Ireland as well as in England. But if there are difficulties to such
an

an union, not to be got over at present, some sort of *fœdral union* at least between the two kingdoms, seems necessary to ascertain the many circumstances that concern their joint interests; and an union of this sort may now be formed with much greater propriety than before; as it will be sanctified by the free consent of independent nations.

“ I do conceive that some step of this sort is absolutely necessary, because the present footing of separation, rather than union, is too unfair to be able long to subsist. England, besides the load of the whole debt contracted for the use of both kingdoms, bears all the burdens of naval defence and foreign negotiations, and by far more than its proportion of the land service in time of war. But what is worse, is, that there is no certainty now left that we shall have the same enemies and the same friends: different interests as they may appear, may lead one kingdom to think a war necessary, and the other to remain in peace: the same King, in his different kingdoms, may think it wise to follow the advice of his respective Parliaments: I need scarcely add, that the unavoidable consequences of such a difference, are a *war* between the two kingdoms. Unless some settlement takes place upon these and many other important subjects, I am far from being clear, that it will be for the advantage of liberty in either kingdom, that its Monarch should continue the sovereign of a neighbouring state, with which it has no connection. I am sensible that there are great difficulties attending the adjustment of such an union, and that it requires great wisdom and temper to form it, especially on the part of Ireland, which must feel that she ought to give the preponderance to Great-Britain: but I am sure the business ought not to be neglected, and that every true friend to both kingdoms ought to give it his most zealous assistance.

“ I beg pardon for having gone into a subject not immediately belonging to that, upon which you have desired my opinion; but I thought it so connected with it, and at the same time so important, that I trust you will excuse my having introduced it. I fear I have been very long, but it was impossible for me to compress so much matter into a less compass, and when you wished to have my opinion, I thought it best to give it fully, or at least as fully as I could in a letter. If it contains one thought that can be useful, I shall be happy. I have only to assure the Committee of the zeal I feel for the cause the Volunteers have undertaken, to the support of which I shall ever be ready to give every assistance in my power; and that it is with the highest respect and admiration for their conduct, that I have the honour to be,

“ Their most obedient

“ And most humble servant,

“ August 15, 1783.

“ RICHMOND, &c.

“ To Lieut.-Col. Sharman.”

Mr.

Mr. *Law*. I have compared the other copy while the Clerk was reading it; they agree in all particulars excepting a transposition of the word *and*.

Mr. *Erskine*. I understand this letter, which is a proof of the good sense of the author, was written by your Grace, upon some resolutions having passed at the meeting of delegates, of forty-five corps of volunteers assembled at Lisburn in Ireland, for taking preparatory steps to forward their intentions on the subject of a more equal representation of the people in Parliament, Mr. Sharman being Lieutenant-Colonel of the regiment?

A. This is an answer to that letter.

Mr. *Erskine*. Let that be read.

Mr. *Attorney General*. I submit to your Lordship, there is no pretence whatever for reading, according to the rules of evidence, any more than has now been read; for whatever may be the opinion of his Grace, I have a higher duty belongs to me, and I should not have consented to the other being read, but that a witness at the bar stated, that that paper contained a scheme of reform; upon which he proceeded, after he had stated that as a fact, he had made the paper part of his evidence. And I cannot conceive but that that paper would have been evidence, whether his Grace had been called to state that fact, which his Grace, according to his character, would state every where---that he was the author of that paper. But this is going a great deal further; and it is impossible to connect a letter written by Colonel Sharman with the business of this trial; no human creature ever having stated that they had seen the letter from Colonel Sharman, nor did that direct their conduct.

Mr. *Erskine*. Was not this letter, just now read by the officer of the Court, published at that time, and with that to which it is in answer?

A. As it is here:

Mr. *Attorney General*. Still I object to it.

Mr. *Erskine*. I shall not argue it now, though I am prepared to argue it whenever the time shall arrive; but I am going now to produce the Journals of the House of Lords.

The Clerk of the House of Lords sworn:

Q. Is this the Journals of the Lords' House of Parliament for the year 1780?

A. Yes.

Q. (*To the Duke of Richmond.*) Will your Grace have the goodness to cast your eye upon the 8th of February, 1780, where your Grace will see an order that the Lords should be summoned to attend the House; and afterwards there follows a protest signed by your Grace and a great number of the Peers of this country, among the rest the name of Earl Camden; will your Grace be good enough to tell me if that is so?

A. It is.

Mr.

Mr. *Erskine*. I must state to your Lordship the nature of this evidence which I have to offer, and upon what principle I conceive it to be evidence.

This was a motion which came on in the House of Lords, recorded in the Journals of the Lords' House of Parliament, to take into consideration petitions from a great number of associated bodies of men of this country, calling loudly upon Parliament to attend to its trust, in consequence of complaints of a wasteful expenditure of public money.

Mr. *Bower*. You are stating facts not appearing upon the evidence.

Mr. *Erskine*. They are expressly, and I mean to read them.

Lord *President*. I take it you are now going to open a motion that appears upon the Journals, and you may open the substance of that motion; and if you go beyond that, their objection lies.

Mr. *Erskine*. Just so, my Lord. Those Noble Lords who protest, state their reasons for that protest; and without reading this, which I have no right to do till your Lordship shall be pleased to receive the evidence, I shall be in order if I only state the general substance of it; and if I should step beyond what the paper itself contains, I conceive I shall have given very great offence to the Court. Many Noble Lords, Lord Camden and others, protest, according to the duty which they conceived belongs to the House to listen to the will of the people; that when these associated bodies, very numerous associated bodies, presented a petition, in consequence of having had meetings to co-operate with one another, the House consider, that though it might be natural enough to reject petitions of private men, yet if the people at large co-operated with one another to speak what was the will of the people, more especially if it was shewn to be from a majority of the people, it ought never to be rejected.

Mr. *Attorney General*. If Mr. *Erskine* will state this as the proceeding of the House of Lords of this kingdom, which can be of use to the prisoner standing at the bar, whether it is evidence or not, I will not object to it.

Mr. *Erskine*. I am much obliged to you; it is what I expected from your honour and candour: but I do say, that Mr. Gibbs and myself think it material.

(Read by the Clerk of the Court.)

“*Die Martis, 8^o Februarii, 1780.*”

“The order of the day being read, That all the Lords be summoned to attend the House this day, to consider of a Motion for appointing a Committee consisting of Members of both Houses, possessing neither employment nor pension, to examine without delay into the Public Expenditure, and the mode of accounting for the same, more particularly into the manner of making all Contracts; and at the same time to take into considera-

tion what Savings can be made consistent with public dignity, justice, and gratitude, by an Abolition of old or new created Offices, or Reversion of Offices, the duties of which have either ceased, or shall on enquiry prove inadequate to the fees or other emoluments arising therefrom, or by the Reduction of such Salaries, or other Allowances and Profits, as may appear to be unreasonable; that the same may be applied to lessen the present ruinous expenditure, and to enable us to carry on the present war against the House of Bourbon with that decision and vigour which can alone result from national zeal, confidence, and unanimity:

" It was moved, That a Committee be appointed, consisting of Members of both Houses possessing neither employment nor pension, to examine without delay into the Public Expenditure, and the mode of accounting for the same, more particularly into the manner of making all Contracts; and at the same time to take into consideration what Saving can be made, consistent with public dignity, justice, and gratitude, by an Abolition of old and new created Offices, the duties of which have either ceased or shall on enquiry prove inadequate to the fees or other emoluments arising therefrom, or by the reduction of such salaries or other allowances and profits as may appear to be unreasonable; that the same may be applied to lessen the present ruinous expenditure, and to enable us to provide in the manner the least burthen some for the indispensable exigencies of the State.

" Which being objected to after long debate,

" The following Amendment was proposed to be made to the said Motion, (viz.)

" Leave out the words (Members of both Houses) and instead thereof insert (Lords).

" The same was agreed to and ordered accordingly.

" Then the question was put, Whether to agree with the said Motion thus amended?

" It was resolved in the negative.

" *Dissentient.*

" I. Because, however the waste of public money, and the profusion of useless salaries may have been heretofore overlooked in the days of wealth and prosperity, the necessities of the present time can no longer endure the same system of corruption and prodigality.

" The scarcity of money, the diminished value of land, the sinking of rents, with the decline of trade, are melancholy proofs that we are almost arrived at the end of taxation; and yet the demands are annually increased, while the hopes of peace are every year put to a greater distance.

" For let any man consider the immense debt, increasing beyond the possibility of payment, with the present

present accumulation of taxes upon every article, not only of luxury but of convenience, and even of necessary use, and let him carry his thoughts forward to those additional duties which must immediately be imposed, to make good the interest of the approaching loan, and of that debt which will still remain unfunded, he will find that at least one million and a half of interest must be provided for, besides what may be further necessary to make good the deficiencies of the late taxes.

“ Under these circumstances, the savings of a strict and vigilant œconomy in every branch, and the application of overgrown salaries, unmerited pensions, and useless places to the public service, are almost the only resource left in the exhausted state of our finances. But besides this strong argument of necessity that presses upon the present moment, such and so great are the abuses in the management and expenditure of the public money, as would call for the strictest enquiry and animadversion even in the best of times. The practice of expending immense sums without consent of Parliament, under the fallacious head of Contingencies and Extraordinaries, the greater part of which might easily be comprised in an estimate; but because some unforeseen articles are not capable of such precision, the Minister has, under that colour, found out a method of expending the public money, first, *ad libitum*, and where it has been so expended, has found means to induce Parliament to think itself bound in honour to ratify and make it good, deserves the highest censure; and no Minister who shall dare to stake the public credit for money that has not been voted, ought to be justified by a less authority than an Act of Indemnity. The millions which remain in consequence unexplained and unaccounted for, the shameful facility of admitting almost every claim, the improvident bargain made for the public service, the criminal neglect and even contempt of the few checks established in the Board of Treasury, besides great part of the money being shared in its passage among a tribe of Collectors, Clerks, Agents, Jobbers, or Contractors, or paid away by official extortion, or stopped in its course to breed interest for some ingrossing individuals, are grievances which the present Motion has in view to remedy.

“ II. But great and important as the Motion is in this view of it, it is still more important in another, as it tends

to narrow the wide spreading influence of the Crown that has found its way into every corner of the kingdom.

“ It is sufficient to allude to this grievance, without any further enlargement; but this argument, though perhaps the strongest in favour of the Motion, has been turned into an objection to it, as if it meant to abridge the rights of Monarchy, and make the Crown dependent upon the Parliament.

“ If the objection means to insinuate that corruption is necessary to government, we shall leave that principle to confute itself by its own apparent iniquity.

“ That this Motion is intended to diminish the constitutional power of the Crown, we deny. The constitutional power of the Crown we are no less solicitous to preserve, than we are to annihilate its unconstitutional influence. The prerogative rightly understood, not touched or intended to be touched by this Motion, will support the Crown in all the splendour which the King's personal dignity requires, and with all the authority and vigour necessary to give due effect to the executive powers of government.

“ It has been argued, that this is not a proper time for reformation, when all the attention of the kingdom should be employed upon the war, as the great and only object in the present time of distress; to which we beg leave to insist, that the present is, for that very reason, the properest time, because nothing is so essential to the conduct and prosecution of the war as the frugal management of that supply by which only it can be carried on with any prospect of success. Nor ought the plan of œconomy to be any prospect of success. Nor ought the plan of œconomy to be any longer delayed at the risk of a general bankruptcy; and from the history of this as well as other countries, times of necessity have been always times of reform.

“ III. Because we conceive that the mode of a Committee, which might be to act with a Committee of the other House, and might, if necessary, be rendered durable and vested with due powers by an act of the whole legislature, might bring back the public expenditure to its constitutional principle, might devise proper regulations for opening contracts to the proposals of every fair bidder for reforming the abuses of office, and the enormity of fees, with a variety of other abuses, particularly that of large sums of money
lying

lying in the hands of individuals to the loss of the State.

“ An objection has been strongly urged on the ground of an apprehension expressed by some Lords, as if they seriously entertained it of its producing a quarrel between the two Houses of Parliament, in consequence of which the public business might be obstructed by a claim on the part of the House of Commons to an exclusive right of considering and providing for the subjects of this Motion.

“ Such a claim certainly cannot be supposed as a consequence of the claim of that House to originate money bills. Not a single Lord appeared to maintain an idea that such a claim would be well founded. In truth, the objection supposes it to be ill founded, and that therefore this House will resist it; and yet it assumes that the House of Commons will advance and persist in this ill-founded claim. We cannot discover any colour for such supposition, unless we were to adopt the insinuations of those who represent the corrupt influence (which it is our wish to suppress) as already pervading that House. Those who entertain that opinion of one House of Parliament, will hardly think less disrespectfully of the other. To them it will seem a matter of indifference whether the Motion is defeated by the exertion of that influence to excite a groundless claim in the one House, or by a groundless apprehension of such a claim in the other. But we, who would be understood to think with more respect of both, cannot entertain an apprehension so injurious to the House of Commons, as that they would, at this time especially, and on this occasion, have advanced such a claim.

“ The Motion has likewise been objected to on account of its disqualifying persons possessing employments or pensions to be of the proposed Committee. We are far from supposing that the possession of place or pension necessarily corrupts the integrity of the possessor. We have seen, and the public have seen, many illustrious instances of the contrary; yet we cannot but suppose that the public expectation of advantage from this measure would have been less sanguine, if they had seen persons possessing offices selected to distinguish how far their offices were useful, or their salaries adequate; they perhaps would not think the possessor of a pension or office the fittest judge how far that pension or
office

office had been merited or was necessary: we cannot, therefore, think the Motion justly exceptionable on this ground. It rather appears to us to have been drawn with a proper attention to Noble Lords in that predicament, exempting them from a situation which they must necessarily wish to decline.

“ We conceive ourselves warranted in the mode proposed, by precedent as well as reason, and it was stated to the House to have been recommended by the most approved constitutional authors who have written since the Revolution; but having offered to meet any other proposition which might carry with it substantial remedy, and no such being offered, notwithstanding the time this proposition has lain before the House, we cannot help considering the present negative as going to the substantial as well as formal part of the Motion, and hold ourselves obliged to avail ourselves of our right of entering our Protest against the rejection of the above proposition.

“ IV. We are further impelled to press this Motion, because the object of it has been seconded and called for by a considerable majority of the people, who are *associating* for this purpose, and seem determined to pursue it by every legal and constitutional method that can be devised for its success; and however some may affect to be alarmed, as if such associations tended to disturb the peace or incroach upon the delegated power of the other House, we are persuaded it has no other view but *to collect the sense of the people, and to inform the whole body of the representatives what are the sentiments of the whole body of their constituents*; in which respect their proceedings have been orderly, peaceable, and constitutional. And if it be asked, What further is to be done if these petitions are rejected? the best answer is, that the case cannot be supposed; for although, upon a few separate petitions, it may be fairly said that the other House ought not to be decided by a part only of their constituents, yet it cannot be presumed they will act in defiance of the united opinion of the whole people, or indeed of any great and notorious majority. It is admitted, that they have a power to vote as they think fit; but it is not possible to conceive that so wise an assembly will ever be rash enough to reject such petitions, and by that means cause this dangerous question to be broach'd and agitated---*Whether they have not broke their trust?*
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The voice of the people will certainly be complied with.

“ Ministers may, as they seem to have done in a recent instance, deprive any man of what he holds at their pleasure for presuming to exercise his undoubted right of thinking for himself on these or other public subjects; but it will not be wise in them to treat these associations with contempt, or call them by the invidious name of *Faction*, a name by which the minority in both Houses of Parliament have been so frequently and so falsely calumniated, because the name so applied will recoil back upon themselves, when acting against the general sense of the nation; nor will they be able to represent those numbers so respectable in rank and property, (as they did but too successfully the discontented Americans,) as a mob of indigent and seditious incendiaries; because the people to whom this is addressed are the people that are abused, and every man bears within himself the testimony of its falsehood.

“ The Ministers on this particular occasion cannot deceive the People.

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| “ FORTESCUE. | FITZWILLIAM. |
| CHOLMONDELEY. | ROCKINGHAM. |
| BEAULIEU. | SCARBROUGH. |
| STAMFORD. | NUGENT TEMPLE. |
| CAMDEN. | DEVONSHIRE. |
| COVENTRY. | HARCOURT. |
| RICHMOND. | KING. |
| MANCHESTER. | COURTENAY. |
| DERBY. | J. ST. ASAPH. |
| GRAFTON. | WYCOMBE. |
| BOLTON. | CRAVEN. |
| FERRERS. | PEMBROKE AND |
| DE FERRARS. | MONT. |
| ABERGAVENNY. | RUTLAND. |
| TANKERVILLE. | EFFINGHAM. |
| J. PETERBOROUGH. | JERSEY. |
| ABINGDON. | PORTLAND. |

“ *Dissentiente*, without reasons assigned. RADNOR.

“ For all the reasons except the fourth. OSBORNE.”

Mr. STUART called in.

Mr. Erskine. I called back this witness to ask him one question, which I could not with propriety ask him before.---In your former examination, you stated your personal acquaintance with the prisoner at the bar?

A. Yes.

Q. Did you ever hear the prisoner at the bar state what his plan of reform was?

A. Yes; the Duke of Richmond's plan for parliamentary reform.

Q. Was that said publicly, or in confidence?

A. Not in confidence: it was said publicly; and he sent me some copies of the Duke of Richmond's plan.

Mr. Attorney General. I really must object to this sort of examination.

Mr. Erskine. I submit to your Lordships, that this is no greater an indulgence than has been received by every prisoner in his circumstances from the earliest period of our history. I will repeat to your Lordship verbatim from the State Trials, various questions put by the prisoner with the consent of all the Judges, with the consent of the Attornies and Solicitors General, and all the Counsel for the Crown. I will proceed, and I confess I feel much more pleasure from the manner in which the Attorney General conducted himself recently; because, the moment it was stated, that it was a proceeding that might be serviceable to the prisoner, he acceded to it; and therefore I can have no reason to doubt, that if I satisfy my learned friend we are in the regular course, I am persuaded he would be sorry himself that this person should be deprived of those advantages which others have had before him. My Lord, I believe it is occasioned by the anomaly of the singular case before your Lordship; and I think I shall derive some assistance from the judgement of the Court of King's Bench, that a paper written in 1780 should have been received in evidence by Mr. Justice Wilson; and the learned Judge supported the object of it upon this principle, that the defendant in that case was charged with an act, which act was the publication of a libel; and that although the libel law, (to speak of a late act of Parliament) seems to say directly in fact, that trials for libels proceed upon the Judge giving his opinion to the Jury upon the matter of law, yet it does not appear that there should be any evidence to prove the intention. I mean the case of Holt; and they say that a person having published a libel in 1780, will be no answer to your publishing a libel in 1794; it may be matter that is material in mitigation of punishment, but it does not go to negative the indictment: if he thought in fact that the publication was a libel, he could not have told the Jury that he thought it having been published in 1780, was no answer to the re-publication of it in 1794; and I do know of that intelligent Judge, whose loss we all deplore, that that was the ground upon which he decided. But I have no right to extract the judgement of the Court till I hear it delivered; but I rather think I am in possession of the judgement of the Court in the striking difference between the case now in agitation, and the case where a man is charged

charged with a fact, which, if it be done, the criminal intention, which arises from the commission of a criminal act, carries with it a certain legal inference, which, when once established, it does not become a matter of fact for the prisoner to rebut: but leaving out of the question that act, I stand upon the authority of Lord Mansfield in the case of the King against Woodfall the printer, 5th Burrows---That wherever the fact does not constitute the crime, but that the fact is either in itself wholly indifferent, or if it is not indifferent but criminal, if criminal, short of the charge made upon the party, there the intent is not matter of law, it is matter of fact; but that the party has a right to prove his intention in every way that the fact can be reasonably connected. To apply that doctrine to the case I have mentioned, in which an elaborate judgement was delivered by Lord Mansfield, wherein he says the defendant was found guilty of publishing a libel, and he called no witnesses to rebut the criminal inference. And my Lord Mansfield says, he may arrest the judgement upon the record for the fact of publication; it is that that is imputed to him, and if it turn out to be no libel, the prisoner can have no judgement passed on him. What is this case? The prisoner at the bar is not charged with the commission of those overt acts. He is not charged with committing those acts as substantive acts, but with having in his mind the wicked and detestable purpose of aiming at the destruction of the King, to put down and bring the King to death; and that in furtherance of that intention and wicked imagination, he did the facts contained in the indictment; that he conspired to assemble a Convention, for the purpose of subverting the rule and authority of the country, and not that alone, but that he consented to hold such Convention, which Convention in his mind was to accomplish that purpose of subversion; and that he did agree to assemble that Convention for that subversion, in fulfilment of a detestable compassing the death of the King.

There, then, the intention of the mind is the question your Lordship has to try; and I think I may appeal to what passed in Court, that I did not seek to lay down other rules of evidence than those recently stated, and those which have been determined in ancient times. This being the case, let us see whether the declarations of a prisoner, charged with an evil and wicked intention, declarations at the time, or about the time, nay, I will go further, my Lords, and put it generally---I say I will prove to you, (though this case does not require it,) that if I were charged with the detestable purpose of compassing the death of the King, I should be intitled to call any man in Court, not to my character, but I should be intitled to call any man in Court, who knows my sentiments, which were well known upon that subject, what I have repeatedly declared upon the monarchy of the country, and its system of government; but that (though I

can establish it in twenty instances) is not this case; but this case is the object which he had to follow, the plan of the Duke of Richmond.

The first case I will cite is the most modern, but not the least important, which is the case of Lord George Gordon; and I say it is the most important, because he is not charged with compassing the death of the King, but is charged with an act of levying war; still it was necessary in the investigation of that question, since it was not that open rebellious war which nobody could mistake, but that ambiguous constructive thing of levying war: the intention of his mind became the subject of consideration, and I will read the very words and syllables stated by Lord Mansfield upon that occasion. The question he puts is this: "First, Whether the multitude assembled committed acts of violence, with intent to terrify and compel the legislature to repeal the Act called Sir George Saville's. If upon this point your opinion should be in the negative, that makes an end of the whole, and the prisoner ought to be acquitted; but if your opinion should be, that the intent of this multitude, and the violence they committed, was to force a repeal, there arises a second point---Whether the prisoner at the bar incited, encouraged, promoted or assisted in raising this insurrection with the intent---" not of pulling down this man's or that man's house, which might be punished as a riot or misdemeanour, according to the nature of the case, but whether it was done "with the intent of forcing a repeal of this law. Upon these two points, which you will call your attention to, depends the fate of this trial." Then the first is a preliminary one, without which, says my Lord Mansfield, my Lord George Gordon must be acquitted; but if you are of opinion that the mob did commit that violence, not whether he incited them to do it---no, but whether he incited them with that mind which constitutes the crime.

Now, Gentlemen, I will read the questions permitted to be put upon that case by a most eminent Counsel, the person who conducted that cause, whose knowledge of the common law of England is almost proverbial with us---Mr. Wallace, and the other was Mr. Mansfield, who were not very ready to give up any thing; for there is an opposite duty, a duty on the part of the Crown, and a duty on the part of the prisoner; and I think a Crown lawyer undoubtedly has a right to insist upon every fair evidence coming before the Jury, and to exclude every evidence that might tend to delude the Jury; in that case my Lord Kenyon, the present Chief Justice of the King's Bench, and myself, were Counsel for the prisoner. I was permitted to ask the Rev. Erasmus Middleton these questions---(I should tell your Lordship, to make it more intelligible, that the great object was to see what intention Lord George Gordon had, and that could only be collected from what passed before-hand, at any of the numerous meetings.

meetings of the Protestant Association, from the time my Lord George Gordon became President, to the 29th of May,)---“ Did you ever hear his Lordship, in his public speeches in that Association, make use of any expressions which shewed any disloyal unconstitutional intentions?” My Lord, a cunning artful man might stand up in a Protestant association, and hold up intentions which he did not mean; but a man, when he comes to his friend, must be supposed to be speaking the truth, and when he thinks he is building himself upon the honour and confidence of a friend, tells him, my object is your object. Good God! if I called up people to say, Did not Mr. Hardy say in the London Corresponding Society that his plan was that of the Duke of Richmond? If he could say it there, if that was permitted to be asked, how is it possible to oppose the other?---“ Did it appear to you that his views were the same as those of the whole associated body? Did you ever hear Lord George Gordon make use of any expression as if he meant to repeal this bill by force of arms? Were the meetings open?”---and so on. Then there was evidence of every thing that was said by Lord George Gordon at St. James’s, when he desired to see the King, because he could be of essential service in suppressing the riots. He called nine or ten other witnesses, Sir Philip Jennings Clerk, Lord Lonsdale, and many others, in conversation with Lord George Gordon, to various parts of his conduct both before and after.

My Lord, upon that occasion it was not debated I think strongly; for when a cause of that immense magnitude is tried, when the whole capital was threatened with ruin, and when it has been said by a person that this town and whole country might have been laid desolate, I could not suppose that they would treat Lord George Gordon with more lenity than the rules of evidence allowed. Mr. Wallace did not object to it. I was then a young man in the profession; but the present Chief Justice in the King’s Bench conducted that cause, who is a man of great learning, and he put these questions without the smallest objection; and I call upon Mr. Justice Buller, who now hears me, to correct me if I am wrong.

My Lord, the next is the case of Lord Russell, who was indicted for compassing the King’s death; and the overt act was consulting to raise rebellion, and to seize the King’s guard. In his defence, he calls many persons of quality to speak to his affection to the government, and his hatred to risings against it. It is said, a man might have affection to government in 1780, and not in 1794; he might then change his object; but, according to the law of England, we are to defend life and liberty, and not to shut it out. Even that question is allowed to be put, because Dr. Burnet had had long acquaintance with Lord Russell, and Lord Russell might not have conceived this disaffection to the government till a very short time before; but the questions

I ask of the witnesses now, with respect to the prisoner at the bar, is at the very time when they say this man's mind was supposed full in agitation of this horrible conspiracy, at that time he was pouring into the bosom of a friend what was the object of their society, and that which all the witnesses have stated.

Dr. Burnet says, "I have had the honour to be known to my Lord Russell several years, and he has declared himself with much confidence to me, and he always, upon all occasions, expressed himself against all risings." Now this is not character, to say Lord Russell was a quiet peaceable man.---No, it is conversation to shew that you are loyal to the government, and it should be allowed to witnesses to say what the person at the bar has said in conversation, because it goes to the intrinsic improbability of the character; and when he spoke of some people that would provoke him, he spoke so determined against that matter, that I think no man could do no more---I have heard Lord Russell always express himself against such risings. I heard him speak with indignation upon the subject. Upon this, the Jury might infer---But I do not say that that sort of evidence is to put an end to the charge; no man could be so foolish; but I mean as far as it goes, and what is to become of it afterwards is for the Jury and your Lordship. But the question is, Whether you shall hear it, and what impression it should make upon both.---Dr. Cox is asked the same question by Lord Russell; he says, "I always found that my Lord was against all kinds of risings, and thought it the greatest folly and madness, till things should come in a parliamentary way. I have had occasion often to speak with my Lord Russell in private, and having myself been against all kinds of risings, or any thing that tended to the disorder of the public, I have heard him profess solemnly that he thought it would ruin the best cause in the world to take any of these irregular ways for the preserving of it."

Now, my Lord, give me leave to pause here again; it is not a general declaration of Lord Russell's, but upon the very point of trial, that he, Dr. Cox, had heard the prisoner declare his indignation at the proceedings imputed to him: and I have a much more recent authority, that of your Lordship, since this trial began; "Shall not a man be permitted to explain what he has said, especially where his declaration goes in the teeth of what he has solemnly done?" And as your Lordship expressed very lately, that where upon the surface a thing appears to be legal, and the crime conceals in the veil and covering for a wicked and detestable purpose, it is a matter of fact, it is a matter of the most serious investigation; and is such an imputation that no man in common life would throw upon his neighbour, but upon the most clear and satisfactory proof.

My Lord, the next case is that of Fitzharris, tried before my Lord Chief Justice Pemberton; Sir Robert Sawyer was
Attorney

Attorney General, and the celebrated and learned Mr. Finch was Solicitor General; and upon that trial your Lordships see that all these questions were put without any objection.

My Lords, the next is Thomas Rosewell's case, who was indicted for preaching a treasonable sermon; and after they had given evidence to establish the charge, he called witnesses of his own congregation to prove that he kept the 30th of January as a fast, and that they never knew him speak any thing against the King and government, though the publication of it was proved. My Lord, I have seen this question brewing for some days, and therefore, thought necessary to prepare for it. My Lord, a sermon may be very indecent, very libellous, and a libel of a treasonable nature, but it cannot be treason. A. B. C. heard him say the words. And what is his answer? not at all what mine is; he wanted to raise before the Court and jury, a probability that the witnesses were perjured upon the ground that he kept a fast, and loved that government which he thought to be faithful to and support. In this case, the charge against my client is that he has called a Convention. For what? I say to do that which all the witnesses have been speaking of; they say the contrary, and they say he not only did it for the purpose of subverting the government, which I deny, but that he did it for the fulfilment of another purpose, which I also deny. Am I not then to be allowed the benefit to be derived from these authorities, to defend this poor shoemaker, which the greatest men in this country ever had?

The question asked by Mr. Rosewell, of the witness, was, "That which I call you now for, is to testify what you heard upon the 30th of January from me about praying for the King and all in authority?" Mr. *Atkinson*. My Lord, he kept that day, the 30th of January, as a day of fasting and prayer, and preached from that text, on the 1st Tim. ii. 1. *Pray for Kings and all in authority.*" That is not the sermon for which he is indicted, but this was to shew the improbability of his preaching the sermon which is charged in the indictment; though it has been said in this cause, that a man may be a republican on Monday, a monarchical man on Tuesday, and a republican again on Wednesday.

Mr. Atkinson proceeds in his evidence for Mr. Rosewell, and says, "And then he did assert, that kingly government was most agreeable to the word of God, and according to the constitution of England." My Lord, it may be necessary for your Lordship to know who tried this cause---it was Lord Chief Justice Jeffries; and he did not even sum up the evidence to the Jury, but contented himself with railing against conventicles.

My Lord, the next case is 1 James II. 1685, Mr. Cornish's case; and these cases were at the worst of times in the country, when Judges were, what none of your Lordships can be, men
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dependent upon the Crown. My Lord, in Mr. Cornish's case he called several witnesses to testify his loyalty, and though the witnesses were discouraged, they were permitted to give evidence "that he was always very loyal, and often drank the late King's and this King's health." Lord Chief Justice Jones was the Judge in the cause, the Attorney General was Sir Robert Sawyer, and the Solicitor General Mr. Finch.

My Lord, John Ashton was indicted for attempting to dethrone King William, and for a conspiracy for compassing the King's death, and to introduce Popery. In answer to which he gives evidence, to be found in the State Trials, of his zeal for the Protestant religion, and his hatred to Popery. You say that this unfortunate man at the bar conspired to hold this Convention, which was so to be held for the purpose of subverting the government, deposing the King, and compassing his death; and upon this case it is unnecessary for me to maintain what the illustrious person who has been here has published. Whether it was wise and discreet in the Duke of Richmond to publish that, I have nothing to do with; but if my client, being charged with a misdemeanour, had been tried in the King's Bench, I should not have said in his defence you have only published that which the Duke of Richmond set you the example of publishing, because if a publication is a libel at one time, it must be so at another: but the question is, What was the mind of the man? and we have now seen what his plan was, and I did not choose to affront a Noble and Honourable Lord. It would have been a scandalous insult to have asked him if he had any intention to depose the King or compass his death. The interest of that Noble Lord is deeply concerned in the welfare of the state; he is of the same blood with the family now on the throne. Then I wish to know if I may not be allowed to ask that Gentleman at the bar, the witness, this question, whether his plan was not that of the Duke of Richmond?

My Lord, in the case I last stated, Dr. Fitzwilliam says, "He has always taken occasion, that I know several times, both at St. James's and at Edinburgh, to testify his zeal against Popery." The very charge being to restore King James, and introduce Popery, which is the overt act charged in the indictment, as the holding of the Convention at Edinburgh is the overt act in this indictment; and he was permitted to bring evidence of declarations that he had made concerning his affection to King William and Queen Mary. This trial was before Lord Chief Justice Holt.

The next case that I shall state to your Lordship is that of Sir John Friend, who was indicted for compassing the death of King William, and promoting a rebellion in the realm; and in his defence he called many witnesses---not to character, they were witnesses besides witnesses to character; for, I take it, the meaning of character is this:---For instance, I shall suppose, if a man is charged

charged with a crime of any particular description, suppose a man is charged with an unnatural crime, would it be any evidence at all of that man's innocence that he paid his bills regularly, and was not a dishonest man? No! your examination to character must always be analogous to the nature of the charge, and you must there inquire into the man's chastity, into the man's regard for women, and his conversation, to shew the improbability of such a crime being committed by a man who entertained such opinions. So a man indicted for a robbery. I may shew you that he was a man under no necessity, possessed a large fortune, whose ideas were moral, and totally against such an idea. That is the nature of character. And I have been allowed to ask as to Hardy's character for peace, that is his general character; a disposition to the contrary does not appear in public, nor does it appear in private. Out of the fulness of the heart the mouth speaketh. Sir John Friend asks, "But when you have been in my company, and they have been speaking of the government, what have I said or done?" Is that any thing like character? Suppose I should turn about to Mr. Stuart, and say, when you have been speaking of the government with Mr. Hardy, what has he said and done? And if my learned friend chooses to close the debate here, I will change my question. What does he say here? ---He asks, "What have you heard me speak of the French, and about any thing of an invasion; how I would venture my life for the Protestant religion, or any thing about it?" A pretty handsome leading question too.

My Lord, the minds of men are soothed and softened as they ought to be, when a man, after the whole weight and artillery of the Crown evidences, comes up with feebleness and innocence, to make his defence. The Attorney General cannot think that I mean to insinuate any thing disrespectful of him; but that this Gentleman may have the full measure, for I think he has just as little right to have any more, as it would be right to refuse him that which he is entitled to. Luston says, "I have often heard you say as to the present government, that though you could not comply with it, you would live peaceably under it. When we have been talking of these things, you said you never would be in a plot."

Now try that, when I have been conversing with Mr. Hardy, he said, he went on the Duke of Richmond's plan, but he never would be concerned in any force; he never would be concerned in any thing that was a conspiracy, and that he meant to limit his intention to a reform in Parliament by peaceable means.

The next is in the 8th of William III. the case of Peter Cook, who was indicted for the same treason as that of which Sir John Friend was convicted, and he goes into the same kind of evidence in the defence. Serjeant Darnall was Counsel for the prisoner, and I will give you the words: "What have you heard
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the prisoner say about our fleet or army?" What has that to do with his character? The probability of his wishing to bring in, to the destruction of the army and navy, a foreign Prince, not recollecting what rights belonged to the people of this country. He says, "I have heard him wish prosperity and success to our fleet."

My Lord, the next is the case of Damarce, of which we hear almost every day. Damarce, who, I believe, was a badge waterman to Queen Anne, was tried for pulling down the meeting-houses, and which was held to be a constructive treason of levying war. Here is a man pulling down the meeting-houses: I care nothing about his affection or his disaffection; if he is found pulling down a meeting-house, that is said by the law to be high treason. In that case he absolutely does an act, which, in construction of law, is a levying war against the King. It is very difficult to say, I did not intend to levy war. But this is not the case. Here is an ambiguous thing; a thing held, if not to be legal, totally different to that in the indictment; and the office of my learned friend is to turn it round, and put a different construction upon it, by fastening the worst construction in a criminal case. I am putting that probability by the same rules of evidence ever adopted; not in a case like this, where the intention constitutes the crime, where it is *voluntas pro facto*, but even where it is *facta pro voluntate*. I say, this is a peculiar anomalous case, that its parallel is not to be found throughout the whole circle of the law; and for this wise reason, his Majesty's life is so dear, his Majesty's life is so interwoven with the whole principle of the state; his life, as Chief Magistrate, being that, which, if destroyed, might bring on a convulsion in the country, which might deprive us of every thing that is dear to us. But the law wisely attributes the crime to the intention of the mind, and they must shew that the acts followed from that detestable purpose. When that is the case, I surely have a right to ask, whether this prisoner meant to proceed on the Duke of Richmond's plan, and leave it to the jury to infer, what I thought an insult to ask, what a person of illustrious birth intended by a work he published some years ago. But surely it goes strongly to negative that which constitutes the essence of this crime. My Lord, the answer given in that case, upon an examination by Whitaker, who was Counsel for Damarce, was this: "Was he disaffected to the Queen and government?---I believe no man better affected. At any times when there have been public rejoicings for any victories, how has he behaved himself?"

Now, the first question is upon character generally, but the second is to what he has said. How has he behaved at times of public rejoicings? When you have conversed with him, how has he declared himself? And that is not a question to character; the

the meaning of character is this: from all you have ever heard of this man, what is his character? But here the question is, "When you have conversed with him, how has he declared himself?---Always for the government." Now the difference between character and this species of evidence is this, and I wish the Court to attend to it. Character is this: What character has the person? And we have been, I confess, very properly restrained, and your Lordship has told us of it in a very indulgent way, in putting the questions to character in an improper manner: character is the slow progressive influence of opinion, arising from a man's deportment in society; a man's conduct extends itself from one circle to another, till it spreads itself through his whole life; but this case is totally foreign to that, for it is a declaration of the prisoner at the bar, upon conversation upon the particular occasion, and connected with the subject. I will not trouble your Lordship with many more cases, for if these are not sufficient to support me, none can.

The next is the trial of Francis Francia. In his defence it was asked, "What do you know of the prisoner's behaviour?---It was a great surprize to me, when I heard he was taken up, for he used often to drink a health to King George."

In Fitzharris's case, he asks a witness, if he thinks he committed the act with which he was charged with a treasonable intention, and no objection was made to it, though Jefferies acted as Chief Justice upon the occasion. I am obliged to do that, which it was my privilege to do supposing these authorities to be out of the question, and supposing this had not existed, to stand upon the principles of the criminal law of England, which are well known to your Lordships, without being obliged to look up to others. Your Lordships have all of you long presided in courts of justice, and I am sure, in criminal courts, your Lordships have had great experience, and must see that when this case is attended to, though it makes the overt act charged upon the record, treason, if the Jury find in their own minds any thing which creates a probability to the contrary, it goes to negative that intention, provided it be rational, provided it be of a sort, that when one looks round and round it, one sees nothing by which justice may be in danger. I should be extremely sorry to press in the most criminal case.---I would not, if I could help it, press for any thing which had not been indulged to others in a similar case. I wish as much as any subject can wish, that the law of the land should be administered fairly and impartially; that one man should have as much as another man, and neither less nor more: all I can say is, that I have stated the cases, and I would not have troubled your Lordships with them, but I considered it as a matter of importance, not only to the administration of justice generally, but as it respects the case of the prisoner at the bar.

Mr. Gibbs. My Lord, I submit to your Lordships this evidence is admissible. My learned friend, Mr. Erskine, has stated the law; and it is not necessary for me to trouble your Lordship upon that part of the case; but it seems to me that evidence explaining the intention of an overt act, that overt act being charged in the indictment, must be admissible.

Your Lordship will find it laid down in Lord Hale, that an overt act, indifferent in its nature, may yet be explained to be an overt act, tending to shew the purpose conceived by the prisoner of destroying the government. For instance, the act charged upon this record is an indifferent act, and the purpose constitutes the crime, whereby it becomes an overt act of compassing the King's death. They have a right to examine to words spoken elsewhere. So in many other cases, I take it, words spoken by a man, not only at the time of the overt act, but before that time, there is no limitation of time that the Crown has of that sort; but words spoken by the prisoner charged with the overt act of compassing the King's death, are always admitted as evidence to explain the overt act charged, and so make that which is indifferent in itself, criminal. Now, my Lords, if on the part of the Crown they have a right to produce such evidence, surely it follows, as a matter of course, upon the principle of administering equal justice to the accuser and the accused, that whatever he has said upon the same subject that tends to give an innocent complexion to the act, instead of a criminal one, it shall be competent to him to give such evidence.

My Lords, I take the distinction to be this: that if what is charged upon a man be a thing done, you cannot give in evidence, in any case, that the prisoner has denied that he did the thing; that I take to be clear. The Crown, in that case, may give evidence, that the prisoner did at any time admit that he did the thing; the prisoner cannot answer that, by shewing that at another time he said he had not done it: but the witness may be cross-examined, whether he did not, at the same time, hold other conversations, to explain the tendency of that first conversation. But we have it not in question whether he committed the overt act stated in the indictment, but whether, in committing that overt act, he had a particular design.

Lord President. Here the design is part of the overt act, it is described as such.

Mr. Gibbs. I will suppose that the overt act of compassing the King's death is the consulting to call together a Convention with the design of deposing the King; which Convention, having entertained the design of deposing the King, is stated to be held in furtherance of the treason first laid in the indictment of compassing the King's death, which is stated thus: That he, with others, for the purpose of compassing that treason in the former part of the indictment, did conspire with others to call together
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a Convention, to subvert the government, and to depose the King. I know we have before the Jury both the fact and design---namely, the fact of having held the Convention, and the design of compassing the death of the King: but we are to prove that he did not hold it with any criminal design. I could not bring any evidence of what he said, to shew that he had not held this Convention; but we submit to your Lordship, that in order to shew that that Convention was held, not for the design which the Crown imputes to us, but for an innocent design, we may go into evidence of what the prisoner has at other times declared; inasmuch as they have gone into evidence of things done, and words spoken by him, at any time of his life; and not only that, but they have been permitted to go into evidence of what any member of the London Corresponding Society, of what any member of the Constitutional Society, or any members of any societies corresponding with those societies have said, to shew that their intention was to depose the King. We only wish to go into declarations of the prisoner himself, to discover his mind; not that he did not do the act, but that the design with which he did the act was different to that which the Crown imputes to him.

My Lord, I was going to put a case, which I forgot in the course of the argument, not unlike this, and which was suggested upon your Lordship's saying, that here the design is a part of the overt act, and it is described as such. Suppose a case of murder---supposed it plainly proved that the prisoner did kill the deceased, and suppose the question is, whether it be murder or manslaughter; that will turn upon the intent. In that case it is the constant practice to receive evidence of the declarations of the prisoner of his good-will and friendship to the deceased. And why are these declarations received? I am sure, that in innumerable cases I have heard declarations in evidence of good-will from the prisoner to the deceased, when it has been admitted that he actually gave the fatal blow. And, my Lord, that rule is not confined, I conceive, to declarations immediately upon the commission of the act, but at any time either before or after the blow is given. So here the holding the Convention is admitted; and these declarations are admitted, to shew the intent of mind with which he did it: we offer them to shew what his intention was in calling this Convention; whether the design the Attorney General fixes upon it, or an innocent one. We submit to your Lordship, that the declarations of the prisoner ought to be admitted in evidence, to shew that the object of the prisoner in calling the Convention was an innocent one.

Mr. *Attorney General*. My Lords, I shall trouble your Lordship, in the first place, with the objection which I have to the question that was addressed by my learned friend to the witness at the bar. I hoped that that objection had followed so immediately upon that conduct, which, I am persuaded, betrayed on my part no wish to shut out any evidence that appeared admissible,

that my learned friend would sincerely have given me credit, as he now states that he does, for making this objection upon a public principle. I beg to say again, what I have had occasion to say before in the course of this trial, that it belongs to every man in a court of justice, as well as elsewhere, to be liable to error. It is not, therefore, with any confidence that I must be right in the objection which I take, that I presume to trouble your Lordship with stating it; but it is in consequence of an opinion that I hold that I am right. And if that be my serious opinion, recollecting that I stand here as the prosecutor for the public, I am not at liberty, whatever my inclination might be, to sacrifice what appears to my own mind, to be a great principle in judicature, adopted and acted upon for the benefit of the public, and the body of the public, including every individual who forms a part of it.

Now when my learned friend stated to your Lordship, that he had seen this objection brewing some days, you will allow me to state, which I do upon my personal honour, if necessary, that so far from brewing, it may perhaps be the truth, that I do not look forward enough in cases. But I did not foresee that such evidence could be offered: but the able way in which my learned friend has argued it, shews that it was an objection that had at least colour enough about it to invite the minds of two very able Counsel to consider the subject, with a view to repel the objection, in case the objection should be taken.

Having stated thus much, what your Lordship has heard with respect to the case of Holt, and an expression which has fallen from my learned friend in the discussing of this objection, I hope it will not make it appear to those to whom I am now addressing myself, improper to make this observation upon the case of Holt. My Lord, in that case, when the evidence was objected to, when a motion was made for a new trial, because Mr. Justice Wilson was supposed to have rejected evidence which he ought to have admitted, my learned friend, in discharge of the duty which he owes to his client, contended as strongly, that that evidence was admissible, as he has done this day that this evidence is admissible. And I am persuaded, that if any man had left the Court after they had heard my learned friend, they would have gone out of the Court with an opinion, which I hope my learned friend will not be too incautiously industrious in propagating---that there was a difference in the law of evidence, as it affected a newspaper printer in Newark, and as it affected such papers which he proposed to adduce in evidence. I say incautiously; and I think it my duty to do it, because, in the course of a trial affecting the life of the person who now stands at this bar, and not only affecting his life, but affecting the interest which every man in this country has in his own life, and affecting every interest that can be dear to him, I wish my learned friend would at once either decline talking of the difference between poor shoemakers

shoemakers and other men, or that he would state the facts upon which he holds such sort of language. My Lord, we live in a country in which the providence of the law, like the providence of God, is over us all, high and low, rich and poor; and speaking for myself, I wish to be disgraced this moment, if, in the course of this trial, I have, or can conduct myself in such a manner as not to do that justice to this prisoner which the law means should be done to him. I should think myself deserving of that death, and ten such deaths as the prisoner, if he is found guilty, will be liable to. My Lords, having stated thus much, I agree that the question with respect to the effect of evidence, and the admissibility of evidence, is a perfectly distinct question; for instance, if in the case of any person you find him at a tavern, speaking respectably of the hereditary nobility of the country, and of his Majesty, and the situation and character which he holds in this country; and if with respect to a person holding that language, we find papers in which he holds a perfectly different language, the fact whether he held that conversation at that tavern may or not be evidence according to the circumstances in which that conversation is held: in this case it has been given in evidence, that Mr. Horne Tooke, one of the persons whose name occurs in this indictment, at the Crown and Anchor, upon the 2d May, 1792, spoke with great respect of the hereditary nobility of the country, and with respect of the King. Why is this evidence? Because it was a transaction of the two societies met in the course of the business which they had been doing in the course of the year, and it came out also upon the cross-examination, which is another circumstance that will require to be materially attended to; so with respect to the prisoner at the bar, if, for instance, there has been evidence given of the effect of his conversation, of the language which he held, that it was such language as prudence would permit; that he received papers which he did not communicate to the society; but it appears, that in private correspondence he talked of monarchy being ripped up by the roots, and democracy placed in its stead. I say, there may be given in evidence a great number of conversations which this person has held; but the question is, whether a declaration a man has held, is a declaration given under such circumstances, and at such a time as gives that conversation the character of evidence.

Now, with respect to Lord George Gordon's case; to begin with that which is the last case; in his case, if I recollect rightly, the principle upon which the declarations were received in evidence was this---that in that case the declarations were at the æra of the fact; for whatever declaration accompanies the transaction, that declaration is a part of the transaction that is done: upon that ground, they were admitted: it does not respect the observation that Lord George Gordon went to some magi-
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strate or some other person while the mob were over-ruling the civil power of the country; for any conversation held by Lord George Gordon during the existence of these riots, and with reference to them, he being a party in them, was a declaration made at the time, and therefore was connected with the transaction.

With respect to the case which was stated last by my learned friend, Crohagan's case, I take that to be distinguishable from the present evidence upon the same principle. That was a case with a view to prove the intent with which a man came into England: he declared he would come into England to kill the King, and he did come into England; and upon the whole of the evidence, the coming into England made a part of the transaction, and the declaration made it an overt act; because it was then understood to be a fact done with the intention which the indictment imputed.

With respect to the sermon of Rosewell, my learned friend has said no sermon can be said to be high treason: I will not argue it; but it is dangerous to state it so largely.

Mr. *Erskine*. I said a sermon not spoken in pursuance of the plan.

Mr. *Attorney General*. It is matter of good fortune then that I have stated that, because it does happen, that in the course of what Counsel are stating, that they are frequently mistaken. I can only say for myself, that those whose attention is called to object to things that do really fall from gentlemen, and who ought to hear them, are liable to err.

My Lord, what was the evidence in the case of Rosewell, and many others, to which my learned friend has alluded? In the first place, he has not told you who were the witnesses that were allowed to speak to those facts: he has not told you whether those circumstances were asked them upon cross-examination; he has not told you whether the witnesses were called to general character, and then gave in evidence those circumstances in explanation of the general character which they had given; he has not told you whether the witnesses, who spoke to those particular declarations, were speaking to declarations which did or did not pass in the course of the very transaction which these witnesses were called to prove. I don't mean to contend in this case, for instance, that it would not be competent to my learned friend to state every word he ever said in the Corresponding Society---every word he ever said in his correspondence with other societies---every word he ever said in the Constitutional Society---every word which can be shewn upon the evidence proposed, or can be fairly said to have any connection with the transaction before the Court; but what I object to, is, that you shall not call a witness who is not a member of these societies, who has told you that he has had conversations with the prisoner, and that you should

should ask the witness, not this question, Whether, in the course of this transaction connected with the subject now before the Court, Mr. Hardy made a declaration, which may be considered as a part of that transaction; but that you should ask what were the declarations of Mr. Hardy at any time, without connection with the matter the subject of the present enquiry. This is going a very great way; but I wish my learned friends to consider, if this principle is to operate for a prisoner, what will it not let in against a prisoner? I will admit there may be cases in which this sort of evidence may be let in, but which, upon my present opinions of evidence, I have not thought myself entitled to offer in this cause.

Mr. Solicitor General. My Lord, I shall trouble your Lordship, to state the extent to which this principle goes, and how extremely important it is to attend to the manner in which these declarations are attempted to be introduced. They are often thought unimportant in particular trials, and therefore not objected to. Nothing could shew it in a more striking light than that question in Fitzharris's case, whether it was thought that that act was done with a treasonable intention or not; which question was the very question for the Jury to decide; and which shews, that in trials of this nature things are frequently passed over which ought to be objected to, and most especially on the part of the Crown, upon which it is constantly said to be oppressing the prisoner too far. That sort of odium being constantly attempted to be thrown upon every Crown prosecution, those who are employed by the Crown are always extremely anxious not to raise objections where they do not think the general necessity of public justice requires they should be raised. Now the objection here, I believe, is raised simply upon the grounds of the general necessity of public justice, at least as for myself; and with that view, I have been so far from objecting to the questions being put, that I have sat silent, till now, during almost the whole of this trial. But it strikes me, that the rules and principles of law, and especially of the law of evidence in criminal matters, ought to be attended to with a very considerable degree of caution and care; for unless they are attended to, it is impossible to say to what extent, upon the authority of particular cases, they may not be carried. I conceive that a question, which went to a particular fact, not relative to the charge of the very fact which was in question, never could in its nature be asked with a view to try the truth of the particular charge. General character may be given in evidence, general conduct may be given in evidence, conduct being in effect part of character; but I never did conceive that in any case whatever, if a man was trying for any act whatever, that you could give in evidence any particular acts that he had done at any particular time under similar circumstances; and the question now attempted to be put appears to me to be of that nature.

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My Lord, if that question be put, why may not the prisoner at the bar give in evidence every letter to any person whatever, upon political subjects, in which he may have stated declarations of that nature, with a view to this very prosecution? It strikes me, if this is considered, the danger of admitting such evidence is considerable, and is contrary to the principles upon which all Courts proceed. If your Lordships advert to the cases cited by Mr. Erskine, and see the manner in which he has stated them, how those cases press upon this question, I think your Lordships will find, that except as inadvertence may have permitted questions to pass unnoticed, they do not press very hard upon the case.

With respect to the case of Lord George Gordon, I have looked, and in the trial it does not appear to me that any one question was put with respect to the words of Lord George Gordon at any time, which did not, in effect, form a part of his conduct in the very transaction in question. For instance, where in pulling down a house, the general cry of the mob is given in evidence, because it became a part of the transaction at the time. With respect to the other cases, I think it will be found, that the questions were put on the cross-examination of the witnesses, and not upon any original examination on the part of the prisoner himself, for the purpose of shewing by what he did at one time, what it was his intention of doing at another time.

Mr. *Erskine*. I aver they have all been taken from the State Trials, and are all upon original examinations.

Mr. *Solicitor General*. Then I will a little advert to some of them in Mr. Cornish's case. What was it? He called several people to testify his loyalty, and that he drank the King's health. Does that warrant the question which the learned Counsel was going to put to Mr. Stuart, with respect to Mr. Hardy's particular object in a particular thing; for that is the nature of the question he was going to put. And in Sir John Friend's case, what are the questions that are put? "When you have been present in company, and they have been speaking upon the subject of government, what has he said and done?" Why he used to say, "Forbear, I don't admit of any such discourse." That is evidence of his general conduct with respect to the government of the country, and his views and intentions as to that government. Then, I think, he says, "Although you would not comply with it, yet you would live peaceably under it. When we have been talking of these things, you said you never would be in a plot." I think that expression must have been upon cross-examination, and by a person called to give evidence of the plot. But what is the fact of his case? That though he said he never would be concerned in the plot, it is proved, as clear as day-light, that he was guilty. Your Lordship sees the nature of these declarations. Would it be permitted upon a trial for murder, to give it in evidence that the man said he never would

would commit a murder? and yet, I think, as far as I can collect from my learned friends, it is that sort of evidence, and therefore I think it must have been upon a cross-examination.

Mr. *Erskine*. I tell you it is not.

Mr. *Solicitor General*. Then I do not understand it.

Mr. *Erskine*. I believe you do not.

Mr. *Solicitor General*. The way, Sir, in which you have treated me personally throughout this trial has been such as reflects upon my conduct. I will not submit to any man for knowledge in law, and I am not used to talk of my own abilities or knowledge in law, but I will not be taught by you, or any other person, propriety of conduct either in a civil or criminal case. I believe I know my duty in both as well as you do; and I trust I shall follow it.

My Lord, the next is Damaree's case; and in order to shew his affection to the government, it is asked, How has he behaved? Is that any thing more than evidence of a general deportment?

With respect to Rosewell's case, it seems to me, that that is in a great degree general; though I must confess it is likewise a case in which I think there is a degree of inaccuracy in permitting the question to be put in the way in which it was put; but it tended simply to this---Whether his general deportment was that which was loyal, and of a man attached to the government? and nothing more. As to what my learned friend said with respect to a sermon being treason or not, I think it will be found in the history of our country, that a sermon preached by Dr. Shaw, at Paul's Cross, to excite the people to rise, and put King Richard III. upon the throne, was as clear an overt act of high treason as could be committed. I mention this, because the words my learned friend said he made use of, did escape my ear, as well as my learned friend's, the Attorney General; and I do assure him, that I took down upon the margin of my brief that very case, which I could not have taken down if I had not supposed he had said so, and which I dare say he did. In consequence of this, a rule should be laid down, which we should understand. Those questions which affect his general conduct have been asked over and over again, without objection. I declare I would sooner ask the question than not; yet for the sake of the general principles of public justice, and for the sake of persons holding the office of Attorney General, that it may not be said that in this trial (and a solemn one I trust it will be) such and such evidence was admitted to be given. I think it important that your Lordship should lay down some rule.

Mr. *Bower*. My Lord, notwithstanding this is a criminal case, and affecting the life of the prisoner at the bar, I make no apology at all for the observations I am about to make, because I am conscious that neither myself nor any gentleman can pos-

sibly conceive the purpose of pressing evidence against the prisoner that they do not think is evidence. I am sure there is not a creature about us who can conceive such an idea to enter into the heart of any of us; but I trust this case is to be tried upon the same principle of evidence as all other cases are tried, and it is our duty to resist the admission of any evidence we think not to be legal, as much as if we were trying a common action of assault and battery, or in which a question could arise upon any subject the most trifling that the imagination can conceive. I have always understood, that the declarations of parties are evidence, either only in cases where they accompany the act at the time they are made, or where they have been made at different times, and under different circumstances, totally unconnected with that fact which is the question of discussion in the Court; in which case they have always been received in the nature of facts, or rather as circumstances by which the general intention of the party is to be judged of; because in that case it must be taken, that it could answer no particular purpose. And, my Lord, every case which Mr. Erskine has cited, in my opinion, goes upon the principle I am now stating; and if your Lordships examine them one by one, you will find that every one of them has been to shew the general conduct and character of the prisoner in circumstances, and upon occasions, no ways connected with the crime of which he was then accused, but as circumstances and declarations in situations from which the Jury can collect the intention of the prisoner. In cases of murder, it is true, that the prisoner is always entitled to prove that he has shewn acts of kindness to the deceased, and expressed himself kindly towards him; and they are offered to shew, that it was the general disposition of the prisoner towards the deceased, from which the Jury may collect that it could not be his intention to commit that murder which is imputed to him. But did any man alive ever hear it asked of a witness in that case, whether he had ever heard the prisoner say, he intended to kill the deceased? In the whole of the case cited by my learned friend, in which he has said the judgement of the Court of King's Bench went along with the judgement of a learned Judge deceased, when the fact was proved that the libel was published so and so, it was not competent to that person to state how and for whom he had done that act so charged.

In Lord George Gordon's case, the declarations there received come under the other principle: they are all of them properly received, because they were declarations immediately preceding or following the act, so as to be considered as accompanying the fact, and have always been received: Declarations accompanying the fact are a part of the fact itself, but they are never received, or ought to be, where they were declarations

clarations made by him previous to his entering into that levying of war of which he was accused.

In the other case, Mr. Erskine has stated where Dr. Fitzwilliams was permitted to be asked what he had heard him declare; that is, on the principle of going to the general conduct. It is not to shew the particular crime committed by the prisoner, but to shew in general the prisoner's disposition, and not offered as explanatory of the particular transaction which makes the subject of the charge.

In the case of Lord Russell, which comes nearer to the case of the principle he wants to support, it is stated that any declaration was received in evidence respecting the risings in question. Nothing like it. Where a man is charged with attempting the rising which constitutes the fact, evidence of Lord Russell's general conduct, evidence of his general character, declarations of other facts and other circumstances are offered to prove, not what he said respecting the fact, but as general evidence of the conduct and the intention he might have towards the government.

When we come to speak of John Ashton's case, where he had preached sermons in favour of government, that comes within both principles. A sermon in favour of government is an act strongly indicative of the conduct of the prisoner, but it is an act done to shew that he was well disposed; and I believe my learned friend may produce five hundred acts to shew that he has done every thing in his power in support of order and good government.

In Sir J. Friend's case, it was evidence to shew that at different times, when there could be no design in the conversation; not respecting the crime of which Mr. Friend was then accused; that Mr. Friend had been speaking of government in a way that a dutiful subject ought to do.

In Damaree's case of pulling down meeting-houses, the declarations received were directly accompanying the act: they were considered as part of the act, and were received as such upon that principle only.

The only case that was then alluded to was Crohagan's case, in which, to shew his intention, there was given in evidence against him his declaration of coming to England; and there was no declaration to explain the particular act of which he was at that time accused, and which was then the subject matter of enquiry.

I have before stated the case which Mr. Gibbs argued very decently, and, as he always does, very ably. He thought fit to talk of the expression of good-will as a case, which I do not deny, but the application of which I dispute; because I say those expressions of good-will are only received in the way I have before stated, at other times, upon other circumstances, when no

crime was imputed, when they cannot be supposed to have relation to any crime, to shew in an unequivocal act whether the party acted with malice; but the evidence in this case is of such a complexion as I do not recollect was ever before offered to a court of justice. The crime charged is that of compassing the death of the King, and you can give no evidence of compassing the death of the King but the overt act charged; and therefore the substance of the indictment is, that you did that act from whence the compassing the death of the King arises. It is to shew the intention of the mind, but it is like charging a man with murder, with a felonious intent; but was it ever asked if he was ever heard to say, that he did that crime with a felonious intent? It is by the acts he has done that you are to judge of the crime; or if he was ever heard to say, that he killed that man, but not with a felonious intent. I see no difference: it is nothing more than this---the intent of the felony must be inferred from facts: the traitorous intent must be inferred; and it would not be competent to a man charged with murder to say, he did not intend to kill the man; so, in this case, when we have proved such acts done with a traitorous intent---I say, to produce such evidence, is no more than to say that he intended to do another act, or that he did that with a different intent than that proved by the evidence to be the intention with which he did it. It appears, therefore, that upon no authority can the position now asserted be maintained----that upon the Duke of Richmond's plan you are to explain all the acts imputed to him, any more than in the case of the felonious murder which I have just now stated.

Lord President. I do not know whether you will be willing to acquiesce in the opinion we have formed upon the subject. Nothing is so clear as that all declarations that apply to facts, and even apply to the particular case charged, even though the intent should make a part of that charge, are evidence against the prisoner, and not evidence for him; because the presumption that that declaration carries with it is, that no man would declare any thing against himself if it were not true; but what any man may declare for himself cannot upon any ground entitle him to credit; that is the general rule. But if the question be, which I think it is, what was the political speculative opinion which this man entertained touching a reform in Parliament, I believe we all think that that opinion may very well be learned by the conversation he has held at any time, and at any place.

Mr. Erskine. That was my meaning, certainly.

Lord President. I think I have already anticipated a misapplication of what I am now stating, by saying, that if the declaration was meant to apply to a disavowal of the particular charge made against this man, that declaration could not be received; as, for instance, if he had said to some friend of his, when I planned

planned this Convention I did not mean to destroy the King and his government, but I did mean to get the Duke of Richmond's plan of reform: that would fall within what I at first stated. If you take it so, I believe there is no difficulty.

Mr. Erskine. Through this whole business there has been a very considerable misunderstanding, in the first place, in a particular so very public as this: if I had no other reason for it than this book, which I will shew you presently, I would agree with the Solicitor General that there is, and very frequently, an improper odium falls upon the Counsel; as no man can cast his eye upon the State Trials without seeing an improper odium fall upon the Counsel conducting for the Crown. In consequence of that humanity which has been so long the characteristic of the English nation, I protested that I never meant to make such an insinuation; what return I have met with for it, I leave other people to judge.

With regard to the Solicitor General, thus much I say, and I am bound for myself to say it, I think any man who gives an improper offence to another, forgets the character that belongs to him; and if I had given any offence to the Solicitor General, I should have been ready to make any satisfaction for it: on the contrary, I have a right to complain of him; for after I had sat down, though I take it for granted he heard what I said, he asserted that all the cases I had cited were upon the cross-examination. I thought it would be unmanly to suffer such an assertion to pass. He undoubtedly had a right to make such observations upon my case as belonged to it, when, however, he said so out of a proper courtesy, and that which belongs to the dignity of the bar. I told him they were upon original examinations, and I should have thought it enough, having told him that I had personally collected them. But he goes on and says, with great emphasis, I shall still call them cross-examinations; upon which I said, I aver they are not; then, says he, I do not understand them; I said, I see you do not. Why, I would say that to any man that ever existed, who repeatedly tells me a fact is so, when I have said it is not.---So much for that.

My Lord, there is another question upon which I wish to take the opinion of the Court. The Attorney General says, the overruling Providence of God superintends the rich and the poor, as it does, indeed, over the whole world; and seemed to be offended, after having read from the State Trials what had been allowed to noblemen, and some of the first men in the kingdom, and feeling as I must do, speaking for the prisoner, and not wishing any thing to be done which is not to be found in the State Trials, that I said the same indulgence ought to be allowed to this poor shoemaker. Could he, with the particular kindness in which I have gone out of my way to speak of him, could any man think I meant to bring back again that odium
upon

upon the Crown which I had fought zealously to take off, and which I thought it my duty to do, out of respect to the Attorney General? But it furnishes this lesson: it shews us how little depends in a case of high treason, upon what men, when they are warm, will say, and when one would imagine, but for what has passed to-day, that it was impossible for men to hold such language, who have lived in habits of the utmost intimacy; and therefore I say, it does not signify what Mr. Yorke may say in a warm hour, or what I may say in an intemperate moment. The question I ask, I submit to your Lordship, is a question previous to the time of the act charged, and I so explained it before the Convention was thought of, in order to shew that this person's opinion, and his object in being a member of the London Corresponding Society, was to bring about the Duke of Richmond's object by the Duke of Richmond's means.

Lord President. You may put the question exactly in the way I proposed. We should recollect who we have at the bar, and who is suffering for every moment's delay.

Mr. Erskine. (To Stuart.) I wish you to answer me this question---Did you ever before this time that this Convention was held, hear from him what were his objects with regard to why he has at all mixed himself in the business?

A. I have very often conversed with him upon the plan of reform, and he always said the Duke of Richmond's would be the plan they would adopt in the end. I disagreed with him about it, which occasioned me more particularly to remark it, for he always adhered very strongly to it, that that was the only plan that would be adopted.

Q. Was it in public company, where it might be ostentatious, or was it in private company?

A. Both. I have had him to sup with me, with another friend.

Q. From all you have seen of him, what is his character for sincerity and truth?

A. I have every reason to believe him a sincere honest man.

Mr. Attorney General. Had I known that this was all that was meant to be asked, I should not have made an objection, as he said the same on Saturday.

Cross-examined by Mr. ATTORNEY GENERAL.

Q. You have before told me, that your society rejected all correspondence with the Constitutional Society?

A. Yes.

Q. Did you know, or had the prisoner ever told you, that he was an associated member of that society?

A. I do not know; and I am very sure he never told me.

Mr. ANDREW STIRLING sworn.---Examined by Mr. ERSKINE.

Q. Are these the minutes of the Scotch borough Convention?

A. Yes.

A. Yes. (They were produced in Court.)

— FERGUSON, *Esq.* sworn.—Examined by *Mr. ERSKINE.*

Q. Was you a delegate of this Convention?—

Mr. Erskine. I was going to prove to your Lordship, to explain the expression of holding a Convention, that there had been a Convention in Scotland. First of all, your Lordship recollects, there was a British Convention in Scotland. Your Lordship will see in the evidence, that that is so. The principal persons assembled in it were persons of that country, though delegates were sent from societies in England to it. Now it becomes extremely material in the consideration of this evidence, to make this observation---the overt act charges this to be a Convention held for the purpose of subverting the rule, order, and government of the country. I think, in the course of the debate just finished, it was taken as assumed, that the overt act was holding a Convention, for any two or three people getting together may be a Convention; but it is a Convention held for a particular purpose, in pursuance of another purpose. The indictment says, it is to subvert the government; and I think I have the authority of one of your Lordships, since this trial came on, for the proposition, that a Convention may meet for legal purposes.

Much has been legally relied upon in argument of the societies having adopted phrases made use of in the National Convention of France, as the phrases Convention, Citizen, and so on, to shew your Lordship and the Jury, (your Lordship regulating the trial according to the rules of law,) that there were sitting at the time, and had sat before that time, two most respectable bodies of men; one of them consisting of delegates from all the different counties of Scotland, to obtain a reform in Parliament, and the other a Convention for the reformation of Boroughs. And when we are to decide what was the intention of calling this meeting and Convention, and to rebutt the presumption that is not only put upon the record, but to rebutt any thing like that presumption, that they must necessarily have been sitting upon the footing of the government of France, in calling their meeting Convention; and that in having delegates from the different societies, they were pursuing the same forms which were pursued there at the very same time.

My Lord, the Gentleman before your Lordship being a member of that Convention, I propose to your Lordship to lay before you their minutes. It is a thing notorious in Scotland, that there were these two associations in Scotland.

Mr. Gibbs. My Lord, we offer this as evidence, that there were Conventions in Scotland at the time, merely to prove that that was a fact.

Mr. Attorney General. I object to it, and I will tell you why.

Lord President. I should be very unwilling, if it was consented to be received, because it leads the Jury from the consideration

sideration of the cause, to something which they have nothing to do with. The Duke of Richmond's plan is connected with the evidence, and therefore proper to be produced, because twenty witnesses have proved that that was the plan upon which they proceeded: but if this was introduced, it would be entirely carrying us from the point in which the cause ought to be kept, and cannot be received.

Mr. *Erskine*. I am always willing to submit to the judgement of the Court whenever I hear it.

JOSEPH STRUTT *sworn*.---*Examined by Mr. GIBBS.*

Q. Where do you live?

A. At Derby.

Q. Are you a member of the society there?

A. Yes.

Q. What are the objects of that society?

A. A reform in the 'Commons' House of Parliament.

Q. Had you any intent with respect to either of the other branches of the legislature, the King or Lords?

A. No.

Q. Have you, or have you had, or any of the members, any intent to bring about that reform by force?

A. No; so far from it, that they never met since the petitions were rejected.

Mr. *Attorney General*. The petitions to Parliament having been rejected, your society never met since?

A. Not once.

Mr. *Erskine*. I am instructed to offer to your Lordship another piece of evidence, in order that I may receive the judgement of the Court upon it. I conceive it is our duty to present to the Court such evidence as we have to adduce, leaving your Lordship to decide upon it as matter of law. I am instructed to offer to your Lordship evidence of associations in 1775, for similar purposes, followed up by resolutions extremely similar with many of those which have taken up so much of the consideration of the Court. I will not take up much of your time in stating it again, it having been stated so often; but I offer it that we might see whether my client, and those with whom he was connected, were following the example legally or illegally of their own country, instead of copying the example of persons of another country with whom they had no connection.

Lord *President*. And suppose we should say those associations were guilty of high treason? For the purpose of judging of the application of that evidence, we might be obliged to say that, for aught I know. It is perfectly irregular and inadmissible.

Mr. *Erskine*. When your Lordship tells me that, I must bend to it; but it is hard to say, that the greatest men in this country have been guilty of high treason.

Lord

Lord President. I do not say that: I do not know any thing of the case, and it is impossible it can influence the present case: you cannot enquire into it, or any thing about it.

RICHARD BRINSLEY SHERIDAN, *Esq. sworn.*

Mr. Erskine. My Lord, your Lordship very well knows that Mr. Sheridan is a member of the House of Commons, and I call him to prove that when there was a motion respecting these societies before the House, and the conspiracy that there might be then against the government was under consideration, that he saw the prisoner at the bar, and had communication with him long before the papers were seized in his custody, which are now turned into evidence as papers clandestinely found in his custody: I have called Mr. Sheridan to shew that Mr. Hardy offered to come forward to give all the assistance in his power, and lay every thing voluntarily before the Parliament which has been since the subject of enquiry before a criminal judicature, as a presumption of his innocence.

Q. Mr. Sheridan, do you know the prisoner at the bar?

A. I saw the prisoner once, and but once to my knowledge.

Q. When was that?

A. I think it was in the beginning of the month of March, 1793.

Q. Upon what occasion was it that you saw him?

A. I had given notice in the House of Commons, that I intended very shortly to bring forward a motion, the object of which was similar to that which was adopted in the last session; namely, to propose a committee to enquire into the seditions or plots, and the general proceedings of the societies which were then supposed to be promoting sedition or treason in the country.

Q. At that time was the Convention in Scotland sitting, or had it been dispersed?

A. I cannot say.

Q. Upon that occasion did you send for Mr. Hardy, or did he wait upon you?

A. I sent to Mr. Hardy: I will state very shortly what I understood from the conversation which passed, and which I have been informed is material for the prisoner:---Having given this notice in the House of Commons, I thought it my duty to make every enquiry into the facts, certainly myself being a very great disbeliever in the supposed plots, to the extent to which they were stated, and the treasons or conspiracies supposed to be brewing in these societies: I conversed with a gentleman who stated his knowledge of Mr. Hardy as being incapable of pursuing such plans, and being perfectly ready to give me every information I could wish upon the subject; upon which I said I should be glad to see him, and desired this person to acquaint him of it. I took the precaution, not from any thing I had

heard of him, to have two gentlemen present on the occasion: one was Mr. Stuart, who was at the bar just now: he shewed me a publication that had been delivered at the door of the House of Lords and of the House of Commons, reporting the proceedings of the societies, and giving a list of the public houses at which they met. Mr. Hardy went over that book and complained that---

Lord President. It is not quite regular to go into a reason which may lead to a great deal that is not evidence. The point that you are called to, is to prove what passed between you respecting these societies?

A. I certainly will confine myself to that: I should say that Mr. Hardy said, that the information given by government was very inaccurate; that the places named as their meeting places were very correct: he afterwards stated, that the object of the society was misrepresented; that he had nothing in view but a parliamentary reform upon the Duke of Richmond's plan.

Lord President. You have gone beyond that which is evidence.

Mr. Erskine. Your Lordship permitted me to shew that he offered Mr. Sheridan every information in his power.

Mr. Sheridan. Mr. Erskine stated, that he would call me to that point; but if I have been misled in adding something that was not evidence, it certainly was owing to the witness having at the bar just now stated the same circumstance.

Mr. Erskine. I did not presume to ask Mr. Stuart the question, what was the object of the society; but he said, that Mr. Hardy declared his own object, and that of the society, to be a parliamentary reform upon the Duke of Richmond's plan.

Q. Be so good as to pursue your account with regard to what assistance he offered?

A. He went through the list of those places, and upon my asking him whether or not they continued to meet at those public houses, he declared that they did not; that in consequence of this publication of government, those houses considered themselves as marked; and that as these poor people did not spend much at their houses, without much reluctance the landlords had prevented their meeting. I asked him if they continued their meetings: he said yes: he knew they were watched by government---that he had no objection to its being known that all the societies continued to meet in private places; and he had no objection to give me a list of all the private places where they did meet, and that I might read it in the House of Commons if I chose. I took down the names of the private places in which he told me they met: I dare say I did not preserve the paper; but I am positive that I had the paper in my hand the next day in the House of Commons, when I moved for a committee to enquire into the conduct of these societies.

Q. Whether,

Q. Whether, in stating the pursuit which Parliament had in view, he offered you any further assistance that might be wanted in the investigation of what had been done?

A. He offered every assistance in his power; a sight of all the correspondence, copies of all his letters, and earnestly wished that my motion might succeed, and that an enquiry might be set on foot into the conduct of these societies.

Q. I have observed that you were present during a great part of these proceedings. I wish to know if he offered you the sight of many of those papers that have been seized and read in evidence?

A. I cannot say what papers: he offered me the whole of his correspondence, and every book in his possession.

Q. Was that in consequence of any demand of your's peremptorily as a magistrate or member of Parliament, or was it a voluntary offer?

A. A voluntary offer; and appeared to me to arise from a sincere wish on his part that a committee of enquiry might be instituted, that an investigation might take place.

Cross-examined by Mr. ATTORNEY GENERAL.

Q. You think this was the beginning of March, 1793?

A. I think this conversation was the very evening before I spoke in the House upon that motion.

Q. Did I understand you, that he shewed you a book?

A. He shewed me a book which had been delivered to every member of both Houses of Parliament, which he complained of as calumniating their societies.

Q. Did he shew you at any time a journal of the proceedings?

A. He offered to shew me every paper and book he had.

Q. Will you take upon yourself to say, he offered to shew you books or a book?

A. He mentioned he would make no concealment: he offered me generally every information he could give me; mentioning that he would shew me all the papers and books, or book, I am not certain which; and I am sure I cannot be misunderstood, when I say, he offered me every thing in his power towards the enquiry.

Q. I understand you to say, he offered to shew you all the written evidence, whether letters, papers, journal, or book: when you stated the word journal or book, do you mean that he said journal or book, or journals or books?

A. It is impossible to be certain whether he made use of the word journal or book, or books.

Q. No journal or book has been produced from the London Corresponding Society; and therefore I wished to know whether you meant that he did mention the word book or journal, because, if he did not, I wish that that word may be dropped?

A. I will not be positive he used the word journal: I just now said that I could not recollect, but that his offer was, that he would conceal no part of the transactions from me, and to shew me all the papers or correspondence in his possession. The impression upon my mind was, that he meant to keep nothing from me, but to shew me the books or papers, or journal, or whatever they were.

Lord President. I think you said at first the whole correspondence?

A. I understood his offer to be, to put me in possession of all his papers, and give me every verbal information he could.

Q. You had no conversation with him about Mr. Paine's publication?

A. We never conversed upon that subject.

Mr. Erskine. To clear up every possible ambiguity, did he give you authority to state in the House of Commons all that you have now stated; and did he invite your motion upon that subject?

A. Unquestionably: I stated my motion, and he was in hopes it would succeed.

Mr. Attorney General. Are you a member of the Constitutional Society?

A. Upon my word, I cannot tell whether I am or no. I was at the first, when the Duke of Richmond attended, but I have not attended it since the year 1783.

PHILIP FRANCIS, *Esq.* sworn.---Examined by *Mr. ERSKINE.*

Q. Do you know the prisoner at the bar?

A. I think I have seen him twice.

Q. Upon what occasion did you see him?

A. The first time was in his own house in Piccadilly. In consequence of a letter or some information relative to the intention of the society of which he was secretary, he communicated to me that it was the intention of the society to return me their thanks for a speech concerning a reform in Parliament, and a desire to print it. I went to him and told him, I was satisfied with their thanks, and declined the printing of it.

Chief Baron Macdonald. When was this?

A. On or before the 6th of May, 1793. I think it was him who sent to me as secretary of that society, to desire I would present a petition from them to Parliament, upon the subject of reforming the Parliament; and desiring that I would permit Mr. Margarot, and some delegates from the society, to come to my house. They came---he was one of them: and I desired to see the petition, of course, before I presented it. He brought it, and I think he was the spokesman. There were four of them; Mr. Margarot was one, and the other two I don't recollect. They came to me with the petition, in the form of a petition. It appeared to me perfectly respectful to the House of Commons,
and

and I had no objection to delivering it. But at the same time I told them, I had a very great objection to the prayer of it; not as making it at all improper to present it, but that I must at the same time declare myself to be adverse to the prayer of it; (the prayer of it was for a redress of the grievances complained of in the body of the petition;) that it would be introducing universal suffrage, according to the plan laid down by the Duke of Richmond.

Q. It was that which you did not think was the best?

A. I treated it as I have done upon all occasions: I treated the idea of universal suffrage with disapprobation. I assured them, that if I did present it, it was right they should know I would have nothing to do with the prayer of it---not that I thought it was illegal, but I was adverse to it.

Q. What did Mr. Hardy do upon that?

A. Mr. Margarot, I think, was the spokesman. However, I perfectly recollect this, that Mr. Hardy himself seemed a remarkably reasonable quiet man; it struck me so, both when I have seen him in his shop, and afterwards, upon my stating these objections. Mr. Margarot and the others were very ready, and surprised me with their readiness at argument in defence of universal suffrage; and I expressed my surprize that men in their rank of life should be capable of such arguments. They said, that was not surprizing, for they had learned it from the Duke of Richmond; and they did not think, whatever might be my opinion, that I could make it better than the Duke of Richmond. I told them, that a petition should leave the prayer perfectly open to the wisdom of the House, which is the common mode, I believe; and I believe Mr. Hardy said this, for I took notice at the time of the quietness, moderation, and civility of the man, that he was sorry he had not known my objection sooner. I have had occasion to make use of the same observation upon another occasion, at a meeting of our own society; and I mentioned the same circumstance there, which I state now to the Court: I mentioned they said they were sorry they had not known my objection sooner; that it would have been indifferent to them whether they had stated the prayer in that way, or left it open; but that now they could not alter it, because it was signed by many thousands, and the petition must be presented on the 6th of May, because Mr. Grey had given notice of a motion for a reform in Parliament, which, of course, made it impossible for them to alter their petition in time. I told them they knew my mind; if they were content I should present it, making that declaration respecting the prayer of it, I would do it, and which I accordingly did.

Q. Did there appear a readiness in them to alter the prayer of it, and to leave it open to the wisdom of the House?

A. Yes,

A. Yes, remarkably so; and I was very glad to have that to state to the House of Commons.

Cross-examined by Mr. ATTORNEY GENERAL.

Q. You observed there was a remarkable readiness to change the prayer of the petition if there had been time for it?

A. I thought so.

Q. Have you any reason to believe, and yet I am almost ashamed to ask you the question, whether, when they waited upon you with this petition, they appeared to have any anxiety at all about the success of it?

A. They seemed very eager about it. Mr. Hardy told me, they had asked Mr. Fox to present it, and that he had declined it, because he was an enemy to universal suffrage.

Q. Then, as it struck your mind, the effect of their conduct was, that they wished the petition to be presented, and were willing, if time would have permitted, the prayer should be altered as you recommended?

A. Yes; they were very ready to have had it left to the wisdom of the House, and would have been glad if it had been agreeable to the forms of the House.

Q. They held that language which you have now stated, and not the language that they would accept of nothing but universal suffrage?

A. They adhered to their wish of universal suffrage; that they did not give up as the object of their wishes, but what they were ready to give up would have been changing the form of the prayer.

Q. I dare say they did not express to you their intention to accept nothing from the legislature but universal suffrage?

A. Certainly I would have had nothing to do with them if that had been the case.

Q. They wished you to print your speech with their thanks to you?

A. Yes.

Q. You totally disapproved the measure of universal suffrage and annual Parliaments, in your conversation with them upon the 6th of May?

A. I did.

Q. Do you happen to know that they have published what you desired should not be published, together with a pretty strong letter preceding it, which I will shew you?

A. I do not think they did, at least not in a newspaper.

Q. Look and see if that is an accurate copy of the answer you sent them?

A. Yes; I believe it is.

Q. Look at the letter which precedes that; was that the letter you received before you presented the petition?

A. I dare say it is.

Q. Have

Q. Have you any doubt about it?

A. No; I have not.

(*Read by the Clerk of the Court.*)

See *Appendix*.

Mr. *Erskine*. Reading this letter gives me an opportunity of asking, whether you would have answered that letter in the manner you have done, if you had thought these people had any other end in view than that which they professed?

A. My answer was given in general terms. Most assuredly, if I had thought they had any other views than to obtain a reform in Parliament in a proper way, by applications to Parliament, as far as I conceive the laws of this country operate, I should have considered them as very dangerous men; at the same time I thought they were much mistaken upon the point, though I did not think it necessary to enter into any argument with them.

Mr. *Erskine*. I now propose to call my Lord Lauderdale. The evidence on the part of the Crown was divided into two branches, to prove by those who have been members of the society---first, what their objects were; and, secondly, how far the prisoner at the bar is involved in those objects; in consequence of which many writings and letters from Mr. Skirving and others, and other societies in Scotland, were given in evidence. What I now purpose shewing is, that my Lord Lauderdale, a Peer of the realm, as your Lordship knows, had a letter written to him, asking him to accept the office of delegate in the British Convention, from one of the societies within the scope of this conspiracy, a thing they were very little likely to do if they intended to destroy the honours of the nobility, to one of whom this letter was addressed, if your Lordship will permit me to call him to prove it.

The Right Honourable the Earl of LAUDERDALE sworn.---

Examined by Mr. ERSKINE.

Q. Will your Lordship look at that letter---Do you know it?

A. Yes.

Q. Did your Lordship receive it?

A. I did.

Q. Did your Lordship know at that time that the British Convention (as it is called) was about to be assembled?

A. I certainly did.

Q. Your Lordship declined becoming a delegate?

A. I was applied to to accept the office of delegate from the Society of the Friends of the People in Portborough, in the neighbourhood of Edinburgh.

Q. Was your Lordship acquainted that the different societies in England, as well as in Scotland, were sending delegates to this Convention?

A. Yes.

Q. Did you write an answer to it?

A. Yes.

Q. Did

Q. Did you see the persons who brought it?

A. I saw the secretary of the Convention, Mr. Skirving; and I rather suspect the offer was made in consequence of a conversation that passed between Mr. Skirving and me, because Mr. Skirving had wrote to Mr. Stuart, secretary to the Friends of the People, to appoint a delegate to the British Convention. Mr. Stuart's answer was, that the society not meeting at that time, it would be impossible to appoint a delegate, but they dared say any thing I would do would be thought right. Mr. Skirving called upon me to attend to it, in consequence of this letter of Mr. Stuart's: he always urged me to attend upon this ground---that if men of education came among them, it might prevent them from getting into informal absurdities, into which their eagerness might lead them; and I suspect that Mr. Stuart had got them to make application to me by means of Mr. Moffat.

Q. Is Mr. Moffat a violent man?

A. I never knew a more humane man, and, in my own opinion, a better man.

Q. From any thing you saw, had your Lordship any reason to believe that they meant to assemble together to usurp the powers of government?

A. The language among themselves was just the reverse: universal suffrage and annual Parliaments appeared to be their object.

Q. Did your Lordship hear any thing that they meant by force to overturn any of the different branches of government?

A. Certainly not.

Cross-examined by Mr. ATTORNEY GENERAL.

Q. Your Lordship never heard of a letter that Mr. Skirving has written to Mr. Hardy, dated July, 1793?

A. Not at that time.

Q. Nor any of these other letters?

A. No.

Mr. Attorney General. Before Mr. Gibbs goes on, there is a letter of the 26th of May, 1792, I wish to have read; Ashton's letter: it was meant to be read, but was forgot. (*It was entered as read.*)

[End of the Evidence for the Prisoner.]

S P E E C H
OF
VICARY GIBBS, Esq.
IN DEFENCE OF
THOMAS HARDY.

*May it please your Lordships---Gentlemen of the Jury,**

IT is unnecessary for me to state to you the anxiety that I must necessarily feel upon this occasion---sinking under the weight of a cause, under which the mighty abilities of my learned friend could hardly support him. But, Gentlemen, if I can, I will do my duty to that miserable man at your bar; if my strength enables me to go through the defence I have undertaken, I will defend him. It is not that I wish to spare my own strength---it is not that I wish to spare my own health---it is not that that has overpowered me; but it is this: I have felt the cause too great for me; it is the incapability of comprehending in my mind that vast mass of evidence which the Crown has produced against this man. But, I assure you, in the way that justice demands, I shall endeavour to state to you this great cause.

You will remember, in the outset of it, it took the Attorney General nine hours to state it: a length of speech unheard of. The annals of the world never shewed a case in which such complicated facts were to be drawn out of such a web, as to render a speech of nine hours necessary to state those facts, and to fix them upon the prisoner. And to suppose that he has burdened the cause with more evidence than was necessary, to bring what he conceived to be guilt home to the prisoner, from the character he has always sustained, and I am sure always will sustain, would be to suppose that he had wasted his Lordship's time and yours; and therefore you must take it that it was necessary; and in order to render it intelligible to you, he has laid before you all that mass which has been given in evidence, and in order that you might see how the evidence weighs.

Gentlemen, you could not but see the situation in which my learned friend, Mr. Erskine was, when he had to observe to you upon it. You must recollect how he sunk under it: and I believe it is not possible for human ability---and I say so, because I

* Here Mr. Gibbs fainted; but in a few minutes having recovered, he proceeded.

felt that it was not possible for the ability of any man to comprehend it in his mind, so as to enable an advocate to lay before you a fair defence.

Gentlemen, in order to make what I have to address to you upon this subject intelligible, it is necessary to tell you what I conceive to be the law of the subject; and that law is to be looked for first in the indictment, and then next in the statute upon which it is founded. I say, it must be looked for in the indictment, because it is necessary that the indictment should state what is necessary for you to enquire into, which I will state to you for your consideration, and the reasons why I so conceive it necessary.

The charge against the prisoner is, that he has compassed the King's death; and for the purpose of carrying that design into execution, he has done certain things stated in the indictment. The charge is, and the treason is, that he compassed the King's death. The means by which he is charged with having endeavoured to pursue and effect this purpose is, that he, together with others, did conspire to cause and procure a Convention and meeting of divers subjects of our said Lord the King, to be assembled and held within this kingdom, with intent and in order that the persons to be assembled at such Convention and meeting, should and might, wickedly and traitorously, without and in defiance of the authority, and against the will of the Parliament of this kingdom, subvert and alter, and cause to be subverted and altered, the legislature, rule, and government, now duly and happily established in this kingdom, and depose, and cause to be deposed, our said Lord the King. That is the first overt act stated in the indictment.

It is not necessary for me to state to you the different overt acts which are stated in the indictment, the ultimate end of which, they say, is compassing the death of the King. There are also other charges as overt acts in the indictment, stating, that the prisoner conspired to levy war against the King, for the purpose of deposing him; and another is conspiring to raise insurrection, rebellion, and war against our said Lord the King within his kingdom, and to subvert and alter the legislature, rule, and government, now duly and happily established in this kingdom, and to depose our said Lord the King. So that the facts stated in the indictment against the prisoner are these--- The first is an act of his mind, that he compassed the death of the King: the next is, that in order to carry into execution that design of his to destroy the King, he did certain acts stated in the indictment; which acts are stated to be with an immediate view of deposing the King, from which deposition of the King you are called upon to infer, that he compassed the death of the King.

Gentlemen,

Gentlemen, by the statute 25 Edw. III. upon which this indictment is founded, it is enacted (and you will observe, that before that the law of treason was uncertain, and the statute recites,) "That divers opinions had been before that time in what case treason shall be said, and what not, and men were in danger on that account: and therefore the King, at the request of the Lords and the Commons, makes a declaration of what shall be treason in the words following, that is to say, when a man doth compass or imagine the death of our Lord the King, or of our Lady the Queen, or of their eldest son and heir;" and others, which it is unnecessary for me to state. It is to be understood, that in the cases above rehearsed, that ought to be adjudged treason which extends to our Lord the King and his Royal Majesty. Then the statute goes on with the declaration of what shall be high treason---that "Nothing but that which is expressly specified and expressed in this statute shall be treason; and because, that many other like cases of treason may happen in time to come, which a man cannot think nor declare at this present time, it is accorded, that if any other case supposed treason, which is not above specified, doth happen before any justices, the justices shall tarry without any going to judgement of the treason till the cause be shewed and declared before the King and his Parliament, whether it ought to be judged treason or other felony." So that, in the first place, you have the indictment; stating the three points which you are to consider: Whether he compassed the death of the King? Whether he committed these acts with intent to compass the death of the King? and, Whether the acts so committed are stated in the indictment according to the form of the statute? for the indictment would be erroneous if the form of the indictment had varied from the statute, and had not been strictly conformable to it. In many cases, the practice is received as evidence of the law; because there is no other way, in point of form, in which it can be drawn; but here the statute and the common law go hand in hand. The statute also says, that this must be provably made out: "If a man do levy war against our Lord the King in his realm, or be adherent to the King's enemies in his realm, giving to them aid and comfort in the realm, or elsewhere, and thereof be provably attainted of open deed by people of his condition."

Upon this statute, Lord Coke, one of the most learned lawyers that ever lived, has commented. I shall take the liberty of shortly stating what his comment is; because it will point out to you how careful all men, who have written upon the law, have been to guard both Juries and judges against construing this statute by inference, and points out your duty; and I trust, therefore, it will not be held useless, that I state it to you: there must be an intention to compass the King's death; and by that

part of the statute, in which the legislature says the party shall be provably attainted of open deed by people of their condition : upon this Lord Coke has commented by very strong expressions, as he always does : he says, " Four things are to be observed ; first, this word, [provably] provably, that is, upon direct and manifest proof, not upon conjectural presumptions, or inferences, or strains of wit, but upon good and sufficient proof. (Where the observations I make are the repetitions of those which Mr. Erskine made, I am sure you will regret, but I do it to bring it back to your recollection.) And herein the adverb provably, provably, hath a great force, and signifieth a direct and plain proof ; which word, the King, the Lords, the Commons, and Parliament, did use, for that the offence was so heinous, and was so heavily and severely punished, as none other the like ; and therefore the offender must provably be attainted ; which words are as forcible as upon direct and manifest proof. Note, the word is not [probably], for then *commune argumentum* might have served ; but the word is [provably] be attainted."

Thus you see, Gentlemen, this is an exhortation to you who are to find whether the prisoner is guilty or not, that you will not find him guilty without plain and manifest proof : this is the proof the legislature requires for the purpose stated in this indictment : this is a proof that you the Jury must be satisfied has been given in the cause, before you can find him guilty.

Further than this, I will trouble you merely with the statement in which other Judges who have had causes to try upon this statute have always concurred, and then state the construction of one of the most learned lawyers who ever lived, upon that statute, and the acting of one of the most learned Judges who ever graced the bench : whenever he had occasion to address a Jury on the trial of a person charged with the same offence as this prisoner at the bar is charged with---I mean in the case of Lord Russell, which I take to be law, because I have heard the summing up of Lord Chief Justice Pemberton, who tried Lord Russell, cited from the bench as law upon the subject of treason. Lord Russell, Gentlemen, was tried upon this statute ; and the indictment charges him with compassing the death of the King : the overt act was, " That to fulfil this treason aforesaid, that is, the compassing the death of the King, he and others did meet together to consult, agree, and conclude insurrection and rebellion against our Sovereign Lord the King, to move and stir up, and seize and destroy, the guards for the preservation of the person of our said Lord the King, against the duty of his allegiance, against the peace, and so on." So that the charge in the indictment was, that Lord Russell had compassed the death of the King ; and that to fulfil that treason, he had conspired to seize the guards appointed for his preservation. The evidence went

to shew, that my Lord Russel had conspired to raise insurrection and rebellion against the King, and seize and destroy the guards; and yet Lord Chief Justice Pemberton, in summing up that case to the Jury, does not tell them that the point for them to consider is, whether insurrection and rebellion was raised against the person of the King; and if they found that, they must find the person guilty; but he says this: "The question will be, whether upon this whole matter you do believe," not that Lord Russel raised insurrection and rebellion, but "whether he had any design upon the King's life to destroy the King, or take away his life." That is the charge Lord Chief Justice Pemberton gives to the Jury in the case of Lord Russel: yet no man would complain that the proceedings on this trial were not sufficiently severe; "for that," he says, "is the material part here: it is used and given you (by the King's Counsel) as an evidence of this, that he did conspire to raise an insurrection, and to cause a rising of the people, to make, as it were, a rebellion within the nation, and to surprize the King's guards; which, say they, can have no other end but to seize and destroy the King." So that Lord Chief Justice Pemberton puts it to the Jury, that from the facts they are to collect, whether he had a design upon the King's life; for if he had not, they cannot find him guilty. If that had not been his opinion on the subject, he would not have put it to them to say, whether by such means Lord Russel meant to compass the death of the King; but he would have said thus, Do you believe that he conspired against the King? that he meant to raise a rebellion against the King? but he puts this as the evidence, that they meant to destroy the King; and it is a great evidence, but it is only an evidence: if he did design to seize the guards, it is great evidence; and it is for you to decide the whole matter, whether this evidence does prove the fact or not. What made this proceeding on this occasion the more remarkable was, that, I believe, on the morning of the same day, or on the day before, other persons were accused of the Rye-house plot; and the end of that plot was not only to raise insurrection, but to seize his person and murder him; and therefore the Chief Justice Pemberton says, "You have not evidence in this case, as there was in the other matter that was tried in the morning, or yesterday, against the conspirators, to kill the King at the Rye. There was a direct evidence of consult to kill the King, that is not given you in this case. This is an act of contriving rebellion and an insurrection within the kingdom, and to seize his guards, which is urged as an evidence; and surely is in itself an evidence to seize and destroy the King." So that Lord Chief Justice Pemberton puts it to the Jury, that these facts were strong evidence of that which they were to enquire into: he puts it as evidence, and he distinguishes between this and the former case, where the rebellion was to seize the King. He goes on,

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“Upon this whole matter, this is left to you, if you believe the prisoner at the bar to have conspired the death of the King; and in order to that, to have had these consults that these witnesses speak of, then you must find him guilty of this treason that is laid to his charge;” that is, if you find that he conspired the death of the King; but unless you draw that conclusion, you cannot find him guilty: this is Lord Chief Justice Pemberton’s summing up; and yet it was complained by the friends of Lord Russel, that he dealt too hardly with him in his charge to the Jury.

Gentlemen, I admit that under many circumstances a Jury ought to draw that conclusion; but it is always a question whether they will draw that conclusion or not. I think, and I think upon much consideration of the question, that the existence of the overt act is for the Jury, and it is for the Jury to find whether that overt act was committed in prosecution of taking away the King’s life, as stated in the indictment, which is not only the opinion of Lord Chief Justice Pemberton, but likewise of Sir George Treby, who was then Recorder, and afterwards Chief Justice of the Common Pleas. Lord Russel was found guilty from that circumstance, that he had a design, in seizing the King’s guards, against the person of the King; and I cannot say that was an unreasonable inference. And, Gentlemen, you will hear whether this was an inaccurate expression of Lord Chief Justice Pemberton; for the next day when he hears the charge against him of compassing and conspiring the King’s death, he starts back: he had no idea that that was the treason of which he had been guilty; and he says to the Recorder, “I appeal to you and the Court, even if what they have now sworn were true---whether I am guilty within the statute of Edward III. there having been an evidence of a conspiracy to levy war, but no intention of killing the King; and, therefore, I think truly, judgement ought not to pass upon me for conspiring the death of the King, of which there was no proof by any one witness. The Attorney General says that is no exception.---*Mr. Recorder.* My Lord, that was an exception proper, as I think: you did make it before the verdict, whether the evidence does amount to prove the charge that is proper to be observed to the Jury;” whether the evidence to conspire to raise insurrection, rebellion, and seize the King’s guards, does or not prove a compassing of the King’s death: it is not treason in law, but it may be evidence of compassing the King’s death, if the Jury think proper to draw that conclusion. He goes on---“for if the evidence comes short of the indictment, they cannot find it to be a true charge; but when the Jury has found it, their verdict does pass for truth. We are bound by the verdict as well as your Lordship. We are to go by what the Jury have found, not their evidence.” So that it is plain in this case, from the summing
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up, and the recapitulation of that summing up by Sir George Treby, when Lord Russell was brought up for judgement, that the point for the Jury is, whether the overt act in the subsequent part of the indictment proves the treason laid in the former part of the indictment; namely, compassing the King's death. I will not say that there are not many acts of this sort that were stated in Lord Russell's case, from which an honest Jury ought always to find that the prisoner did compass the death of the King: I think there was in that case; and they found that he did raise insurrection and rebellion, and conspire to seize and destroy the personal guards of the King, which is, I think, strong evidence to go to the Jury, that this was an attempt to compass the death of the King; and I do not find fault with their verdict; but still it was with the Jury.

Gentlemen, having stated what I conceive the law to be on this subject, and the points for your consideration, I shall state to you now the charge they have attempted to bring in evidence against the prisoner at the bar: that he conspired to procure a Convention, which Convention, when called, was to overturn the Government and to depose the King. To a certain point we agree: we agree that the prisoner did hold consultations for the purpose of calling a Convention: the point upon which we differ is, the purpose for which that Convention was to be called; and it is for my learned friends who are Counsel for the Crown, before they can bring this charge home to the prisoner, to prove one or other of these two things: either that a Convention cannot be called for any but treasonable purposes; or to prove that this Convention was called to compass the deposition of the King, and consequently his death.

That a Convention of Delegates of different states of the people has been called, you heard in this cause, and therefore that a Convention cannot be called for any but treasonable purposes, I am sure no such thing can pass from my learned friend: Conventions have been spoken of---the two Conventions in Scotland: I allude to them only as shewing that Conventions may be called for lawful purposes. The next thing is, whether the Attorney General can prove that this Convention was called for that unlawful purpose of deposing the King, and thereby compassing his death: they undertake to prove this: we, on the other hand, say, the Convention was called for lawful purposes: we say this, that the prisoner at the bar, and those with whom he acted, believed that corruption had found its way into the state, and was making large and rapid strides; that he believed this corruption to be occasioned, increased, and continued by the long duration of Parliaments, and by the unequal representation of the people in the House of Commons; that if these defects could be reformed, all would be well: he knew, and they knew, that petitions to Parliament would not produce the end they

they intended to answer, because many of their petitions had been, I may almost say, contumeliously rejected. They thought it lay upon them as good citizens to find some other means to effect what they thought a lawful purpose, and they believed if the general opinion of the people was for this reform, and if that general opinion could be known to Parliament, that Parliament, though it had rejected the separate petitions, would pay attention to that petition when properly conveyed: they thought that if they could, by delegates, collect whether it was or not the general will of the people, and that if it was, by the same voice, they might communicate to Parliament that it was so: and this, there can be no doubt, the language of their resolutions import. This, however, the Counsel for the Crown say is mere pretext: you did not think that there was corruption in the state; you did not think that that corruption arose from the long duration of Parliaments; you did not think that this reform would produce a remedy: you had other views, and we take upon ourselves to prove it. Certainly it does lie upon them to prove those other purposes; and as the language of our resolutions imports, that our intention was honest, and unless they can shew from the statute, and from that direct manifest evidence, which Lord Coke says is necessary in all cases of treason, that the prisoner and those with whom he was concerned wished to bring about a revolution, and hurl the King from his throne, it is impossible you can find him guilty of the charge now brought against him.

Gentlemen, there are two parts of the proposition, which, in point of fact, the Counsel for the Crown feel it necessary to make out: first, they say we will prove that there was a general plot in the kingdom to effect the deposition of the King. In the next place, they say we will prove to you, that the prisoner at the bar, with others, was an actor in the plot, and is implicated in the crime that belongs to them all.

You will recollect, Gentlemen, that for making out the first part of the proposition, which shews no intention of the prisoners to bring about that which is imputed to others, they have not only called to you many members of all these societies, but they have proved to you every thing done or said by any member of the Constitutional Society, of the London Corresponding Society, or any member of any other society that ever corresponded with either of these: that is, they say, for the purpose of proving the general plot, this will not be evidence as against the prisoner individually; but this is necessary for them to go through, in order for them to make out their first proposition, that such a general plot did exist in the kingdom, and afterwards they endeavour to shew you that Mr. Hardy was concerned in it: this, you see, does not touch the prisoner without there is proof that he acted in it. Now, Gentlemen, this certainly does lay

lay us under considerable hardships. I told you before, and I am sure you will hear it again from his Lordship, that none of this species of evidence, which is not brought home to the prisoner, ought to affect him personally; that it goes only to prove the existence of a plot: and yet how difficult it is for us, who stand as Counsel for the prisoner---how difficult it is for you, the arbiters of his fate---how difficult it is for the Court, to distinguish the several parts of this evidence, what goes to prove the existence of a general plot, and what goes to affect the prisoner personally. The difficulty to us is insuperable; not from the nature of the thing, but from the extent of evidence to which we have been carried: for I declare to you, I have found it utterly impossible in my own mind to separate them; and, therefore, it is impossible to shew you where the line of distinction lies. If they had first finished their general evidence, and then gone to that which affected the prisoner, we might have done it to a certain degree; but as the evidence was jumbled together, sometimes evidence that affected the general plot, sometimes evidence that affected the prisoner---sometimes a man from Sheffield, sometimes a man from one society, and sometimes another---sometimes a letter is produced from one, and sometimes from another; that I find it utterly impossible, in my own mind, to lay down any plain line of distinction. I must, therefore, content myself with stating to you generally, what appears to me to be the sort of evidence, stating only its tendency, by which they have endeavoured to shew that there existed this general plot, and also that the prisoner was affected.

In the first place, from the numberless papers they have produced, you find violent expressions---very violent, very improper ones: I admit, highly improper resolutions. It is not for me to say whether they are criminal or not. But I defy my learned friend, who will have an opportunity of observing on all the evidence, to point out that any of those resolutions, in all that monstrous chaos of papers which they have produced on this occasion, that any of those resolutions amount to an overt act of high treason, that they amount to an overt act of compassing the King's death, or to an act calculated to depose and thereby compass the death of the King. That is the point that you have to arrive to in this cause---whether they amount to an act first to depose the King, and thereby to destroy him. That the expressions in them are improper, I admit: this, certainly, my learned friend, nor I, will deny: no man of sense, no man of decency, would stand up to defend all these resolutions, or the expressions to be found in many of these papers; but they are not high treason, and that is what you are to try: they may shew an indecent, an irritated disposition, in the mind of those who wrote them; but they do not bring home to the prisoner

the crime of conspiring, with others, to subvert the state, of deposing the King, and thereby of compassing his death.

But, Gentlemen, if we are to take these papers, let us take them all: let that which makes for the prisoner be taken as well as against him: they say it is all pretext; that they had no intention to bring about universal suffrage and annual Parliaments; it was all pretence. In the summing up of his Lordship, you will find the papers full of those declarations; that the cause of their complaint is always stated to be a partial representation of the people in the House of Commons, and that their object was annual Parliaments and universal suffrage. Universal suffrage, Mr. Fox tells you, is folly: I think so, and I dare say you think so: the Duke of Richmond thought otherwise; and it was his real opinion, I believe. I think it folly, and I shall ever continue to think so; but if such doctrines are held by so great a person as his Grace, surely they might easily find their way into the mind of a shoemaker. Another thing pressed by the Attorney General was, that French terms were continually used, and therefore it was to be supposed that the prisoner, and those whom he acted with, wished to introduce all that anarchy that has taken place in a neighbouring country, because they use the same terms. I will leave you to judge how material that observation is against the prisoner, when I state, that we, meaning to prove the origin of one of those terms, to shew that it was not derived from the French, were told that it was inadmissible, because it was no part of your business for you to collect from the use of words whether the prisoner was guilty of a fact or not; and therefore I think you may discharge your mind of that, because when I attempted to prove it was an English word, I was told it was inadmissible; nor was it stated that these terms were used in the Convention.

Lord President. If you allude to any thing that fell from the Court to that effect, I rather think you are mistaken.

Mr. Gibbs. I said we offer this evidence to shew, that a Convention of Delegates was held in Scotland before the time we held this.

Lord President. It was not stated that those terms were used in that Convention.

Mr. Gibbs. We call it a Convention of Delegates.

Gentlemen, I submit to you, my argument is a fair one and conclusive: either the use of French terms is or is not material in this case, and is or is not to be argued upon: if it is to be argued in this case, that we approve of French principles, because we have used French terms, then I insist, that it is competent to me to shew, that a term which we have used, and is said to be French, is English or Scotch, because I thereby get rid of the pressure of that term: if, on the other hand, it be not open to me to shew, that terms used by the prisoner, and those
with

with whom he acted, and which are said to be French, are English, or are Scotch; if it be not open for me to prove that, then I am sure it cannot be open to gentlemen on the other side to suppose, that by the use of French terms we have adopted French ideas; and you will throw the whole of it out of your consideration entirely, because I am shut out of evidence to shew, that these terms are not French, but English, or Scotch: it therefore follows, from the exclusion of that evidence, that all argument respecting French terms must be excluded from the cause.

Another thing imputed to us is, an approbation of the French Revolution. Gentlemen, that is hard: certainly the prisoner at the bar, and many of those with whom he acted, did highly approve of the French Revolution: it was likely they should approve of in its origin, because they were Englishmen, because they were freemen, and because the original object was to give to slaves that freedom which we enjoy here. What could be more likely to catch the mind, and to give pleasure to an Englishman, than that a nation, who had been in abject slavery for centuries past, were restored to that freedom to which they were entitled by nature? I know it will be urged against me, that after the period of the beginning of the Revolution took place; after acts of barbarity, after acts of enormity, which no rational man could approve of, had taken place in France, that they approved still generally of the French Revolution: but it was not those acts that they approved of, but of the Revolution itself generally: and suppose they had expressed a general approbation of the French Revolution, is it to be inferred from thence that they wished the same things to appear in England? Were we an afflicted and an oppressed people? Had we any reason to complain of an over-bearing nobility, whose rights were inconsistent with our freedom? Had we any reason to complain of the oppression of the Crown? Did they draw their parallel from any such thing? Do you find any facts of this kind from the beginning of the evidence to the end? On the contrary, do you not find that they speak of the King and of the hereditary nobility with reverence and respect? Was the case of the Crown and nobility so in France? no; far otherwise: it is not therefore to be supposed, that because these men approved of the French Revolution, and approved of it after acts of violence had been committed upon the persons of several of the nobles of that country, who were aristocrats, who certainly before the Revolution had not deserved well of that body of men who accomplished and brought it about, it is not to be presumed against us; it is not to be presumed against the prisoner at the bar, that he means to overturn the government of this country; that he means to depose the King; that he means to bring about his destruction; that he compasses his death; because, forsooth, with perhaps a mis-

guided zeal, he has expressed an approbation of the French Revolution at times when a reasonable man would not only express an approbation, but more than an union with France, which has been wished for. And, Gentlemen, what man is there who would not wish it, if it could be accomplished with safety to this country? Who, under this proviso, would not wish for a union with France? and that that was their object, appears from what was written in a letter from one society to another, in which you will find, in a resolution for addressing the Convention of France, that the ground stated, is to prevent the calamities of war. Surely we have seen enough of this war to conclude, that if those calamities could have been prevented, it would have been wisdom to have prevented them: the prisoner may have judged perhaps upon that occasion, and those with whom he acted, and they may have ill judged it, that that war may have been unnecessary: you and I have nothing to do with that; but still you must allow, that a contrary opinion is not criminal. And, Gentlemen, if an opinion could be maintained, that we might have kept out of that war, and you find that the object of that address was to prevent the calamities of war, surely you will not say the prisoner is guilty of high treason merely for wishing a union with France, when he, and those with whom he acted, declared that that war, which has turned out calamitous, might have been avoided. The observation upon the address to the National Convention is open to the same answer. As to the insertion of Roland and Barrere's speeches, mark how wide the prisoner stands of it: a resolution is passed in the Constitutional Society, that certain speeches in the French language from a French paper should be inserted in their books, and which, in point of fact, never were inserted. Can you believe that that poor shoemaker understands the French language? Can you believe that he read them? Do you think he ever read the *Moniteur Universelle* of Paris? not that, if it was proved that he was the person that made the motion, it makes any difference in this case; for what does it amount to suppose it proved? no more than this: that he wished to communicate to the members of his society, what the reasons were on which those acted who were desirous of bringing about the calamitous events in France: for suppose he had even approved of those speeches, and thought they acted right, if he thought they were convincing, even if he thought that it ought to be followed up by an execution of the design, though I should differ from him, I am far from thinking, and I am sure you will be far from thinking, that he, from that circumstance, can be said to have compassed the death of his own King. What had the state of France to do with the state of England? A constitution had been received in that country. What was the ground of accusation against the King of France? It was, that he had violated

lated the constitution; and perhaps he was in the same situation in which James II. was here. I do not say that the prisoner may not be misguided; but even if this had been his own opinion; if he had read the speeches himself; if he had entered the resolutions himself on the book, and the speeches in English, I do insist that it is no proof, and does not furnish a presumption to you that he intended to compass or imagine the death of the King of this country. Thank God, the King of England lives in the hearts of his subjects: there is no accusation against him, that he has violated the constitution of this country: he has acquired and deserves the love and affection of his subjects: so you think, so we all think, and so the prisoner at the bar thinks; and it would be a monstrous cruelty in you to impute, that he compassed the death of the King, because he wished well to certain persons in France, and thought it right, under certain circumstances, to publish the reasons why the people of France thought fit to bring their King to a calamitous death.

Another thing, Gentlemen, it is said, we must have meant something forcible, by assembling this Convention: we must have meant to have acted with force against the government, because, forsooth, they have resolved, that they would no longer petition Parliament.

Now it seems to me, that that resolution naturally preceded a calling together such a Convention, as I have stated the prisoner intended to call, and as I insist he might legally call. If the petitions of individuals had produced from Parliament that which it was their object to produce, then the calling of this Convention would have been unnecessary; but it was because the petition of individuals had been rejected, and it was thought that the voice of the people might be heard louder by that means. It was for that reason that he meant to call this Convention: the object of a Convention was, to petition Parliament in a different form, and in a voice more likely to be heard by them; in a voice which, he supposed, would be that of the majority of the people of England.

Gentlemen, you have heard that read to you which I shall have occasion to state more at large to you, the protest of that great constitutional lawyer, Lord Camden, with thirty-two other Peers, upon the negative being put to a motion to enquire into the expenditure of the public money: from that they might have learned, there was a great difference between a petition from individuals, and the voice of the people speaking in great associations; and you will learn from hence likewise, that, in the opinion of Lord Camden, such associations were legal. It is stated in this protest, "We are further impelled to press this motion, because the object of it has been seconded and called for by a considerable majority of the people, who are associated for this purpose, and seem determined to pursue it by every legal and constitutional

constitutional method that can be devised for its success." Then, after private petitions are rejected, it is lawful for the people to associate for the purpose of obtaining that which Parliament alone can give them; and such associations are, in the language of the greatest constitutional lawyer that ever lived, Lord Camden, legal and constitutional: and this is a legal and constitutional method of collecting the voice of the people, and carrying it to the ear of Parliament.

Now, Gentlemen, the next general topic of argument insisted upon by the Attorney General, and head of evidence, was, I think, the proceedings of Mr. Hardy, as to those with whom he was connected in the Scotch Convention; and he began with the instructions given to the delegates that were sent to that Convention: and the article he relied upon as shewing the prisoner guilty, was that in which it is stated, "That it is the duty of the people to resist any act of Parliament repugnant to the original principles of the constitution, as would be every attempt to prohibit associations for the purpose of reform." I certainly disagree with them in that. I certainly think that a very improper resolution, but it is not an act of high treason. Suppose a particular act of Parliament, obnoxious to the public, is resisted; suppose they rise in bodies in insurrection to resist it---that is high treason, because that is levying war: but the conspiring to raise an insurrection to resist such an act is not high treason, as Lord Holt says. To conspire to raise an insurrection, for the purpose of getting a particular act repealed, is not high treason; but to conspire to levy war against the person of the King, is high treason in compassing the death of the King, because it is not an act directed immediately against the person of the King. Then, if conspiring to raise an insurrection against an existing law, and to resist the operation of that law be not high treason, in compassing the King's death, *a fortiori*, a resolution to resist such an act, if such an act should pass, cannot be high treason. It would be arguing from a stronger to a weaker case, that though a conspiring to raise an insurrection for the purpose of opposing an existing law is not high treason; yet, that conspiring to raise an insurrection to oppose a law that does not exist, is high treason, carries an absurdity on the very face of it.

Gentlemen, the prisoner, Mr. Hardy, and those who acted with him, can only be affected by the Scotch Convention, so far as they acted under their authority. They are not affected by any thing but this resolution. When they met, they certainly came to some resolutions, which I do not find myself interested to defend further than this---that they certainly are not overt acts of high treason. To them the same answer applies that I apply to this resolution---they do not amount to any conspiracy for the purpose of raising a war, or levying war against the King's person; and though they are such as a quiet and reasonable man
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would certainly disapprove of, yet they cannot fix upon the person committing them the crime of high treason. And I beg you will always hold in your mind the question, Whether Mr. Hardy, and those with whom he acted, meant to call this Convention for the purpose of overturning the government, and thereby deposing the King?

Now you will not find, throughout the whole course of these proceedings, any evidence whatever of that intent. You will find, certainly, strong resolutions, strong language used in letters that are written, very strong, perhaps; but none of them amount to a proof of the crime with which he is charged, not one of them; nor does it appear to me that he ought to be charged, however criminal, with all the acts of that Convention, though none of those acts appear to me to be criminal to the extent of which it is endeavoured to load them, none of those acts were high treason, most unquestionably. But how do they endeavour to fix them upon Mr. Hardy, and those who acted with him, who, irritated at that which they felt, and told by high authority that it was a hard and unjustifiable judgement against their delegates, did use language which I do not feel myself bound to justify? But something is due to the irritation of the human mind---something is due to the infirmities of human nature. In that state, you will not be extreme to mark what is amiss in a case of this sort. You will look at the intention, to see if there is any thing proved upon this prisoner, to bring home to his mind the criminal act charged in this indictment; and unless you find some act which is a direct and manifest proof that he designed to overturn the government and depose the King, you will cast out of your mind such expressions as I have alluded to; and, however you may disapprove of his conduct in some respects, he is not guilty of that heinous crime which is now charged against him.

Gentlemen, it is said, but I think it is not supported in law, that these delegates, who acted in the Convention of Scotland, were guilty of high treason; and that Mr. Hardy, and those with whom he acted, who, perhaps, might disapprove of the proceedings that passed there, are also guilty of high treason; I cannot bring myself really to believe, that if it had been thought that the proceedings of the Convention of Scotland amounted to high treason, its members who were tried would not have been charged with high treason. I cannot understand, how the consulting and conspiring to do that here can be high treason, which is not high treason to do in Scotland. You know very well, that those who sat in that Convention were proceeded against, though not for high treason; but, on the contrary, the persons who were tried in Scotland were tried for a misdemeanour only. The Lord Justice Clerke had the same evidence before him that you have now. If it was high treason, he would have done
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that which it was his duty to do---he would not have tried the prisoners for a misdemeanour; he would have told the Jury they must have found him not guilty of a misdemeanour, for that the facts amounted to the proof of guilt of a higher crime. His Lordship will tell you, that what I am now stating is law, that if a man is indicted for a crime of a lower description, and the evidence on the trial goes to the proof of a crime of a higher description, he cannot be convicted on the lower. And, therefore, I have the authority of the Courts of Scotland, and those who introduced prosecutions for misdemeanours only to say, that the meeting of the Scotch Convention, and the acts of the delegates in the Convention (I do not mean Watt and Downie) were not in themselves high treason; and, therefore, the consultations to bring about those acts here cannot be high treason.

Now, Gentlemen, these appear to me to be the general observations arising out of the mass of evidence with which we are loaded in this cause, and from which the Counsel for the Crown would persuade you to believe, the prisoner, and those with whom he acted, have been guilty of high treason.

Gentlemen, I come now to the parole evidence; and I beg, again and again, to bring to your recollection, that the question upon this part of the case is, Whether the prisoner, in conspiring to call together this Convention, meant to depose the King?---I come now to the parole evidence produced on the part of the Crown, by which they have endeavoured to support that proposition, not only that the prisoner, but the people concerned in all these societies, that their direct object was to drive the King from his throne, to subvert his government, and thereby to compass his death.

The first two witnesses were Mr. Camage and Mr. Broomhead from Sheffield, and they are called on the part of the Crown; and therefore their evidence is impeachable, as far as it may make for us; and most certainly they are called to prove, that preparations were made to support the violence which it is supposed this Convention to be called was to use. For you know, Gentlemen, for to suppose that a Convention was to be called that was to act with force, and not shew that that Convention was furnished with means for carrying on that opposition to government, would be absurd---would be nonsense. They found it, therefore, incumbent upon them to bring evidence that the prisoner, and those with whom he acted, were provided with means to carry this project into execution by force, against the whole armed force of government. For this, they call Mr. Camage and Broomhead, and they certainly prove some of the facts that the Crown called them to prove---they prove that pikes at Sheffield were actually prepared. But how does it come out upon their cross-examination that these pikes were prepared? How does

does it come out from the witnesses for the Crown, and whose evidence you must attend to, as it makes for the prisoner as well as against him? What is the account that the witnesses for the Crown give of making these pikes? They say they were made by a party to whom the witnesses belonged, because they had ground, and just and reasonable ground, to apprehend they should themselves be attacked by the opposite party: Broom-head's house had been attacked; inflammatory hand-bills were sent about; a gun was fired under the door of one of the houses, and that gun was fired by a member of an armed body of different political sentiments to themselves. What then is become of this line of evidence, which was directed by the Crown to this object, to shew that the prisoner, and those who acted with him, had conspired with the people at Sheffield, to procure pikes to support this Convention, against the full armed force and against the government of the country? They had prepared pikes; but their own witnesses tell you why they had prepared them: because their houses, their persons, their lives, were not safe: they had actually had their houses beset; inflammatory hand-bills were sent round the town, to provoke the people to attack them; and for this, perhaps legally, they may, when attacked, repel force by force; and they may make preparation for such resistance, if they apprehend such force; as the late history of this country shews, how necessary this may be, and to what good purposes they may be applied. We all remember the situation of Dr. Priestley, at Birmingham: a mob beset his house; they razed it to the ground: would it not have been lawful for Dr. Priestley, upon that occasion, to have prepared opposition to that force, to have opposed force by force? And how was it then unlawful for these people at Sheffield, when they had notice, from the acts of the opposite party, that they would be attacked; when they had actually been attacked in some instances; when inflammatory hand-bills had been sent round the town, for the people to attack them; how could it be unlawful for them to prepare arms in their own defence? And how can those arms prepared be construed into high treason against Mr. Hardy as a member, and every member of the Corresponding and Constitutional Societies, as they corresponded with the Sheffield Society, of which Sheffield Society these men were members?

Gentlemen, this is coming at treason, not by plain and direct manifest proof, but by that which Lord Coke says it ought not to be got at: not by inference and illations, but by false and unjust alarmings: it is assigning that to one cause which ought to be assigned to another: it is attributing to these people a design which they had not, and which these witnesses, who prove the fact of the pikes, stated they had not; and it is implicating the prisoner at the bar in a supposed design, in that in which he

had no concern whatever. You know, Gentlemen, it was not only the case of Dr. Priestley; Dr. Priestley was not only attacked at Birmingham; but we know that Mr. Walker, of Manchester, was so attacked, and the Mayor of Nottingham; but he had notice of it beforehand: he did provide himself with arms to defend himself; he used those arms in his own defence, and two of the rioters who attacked his house fell under him, and the inquest of that death was found justifiable homicide. What would have been the fate of the Mayor of Nottingham, if he had not prepared for his defence? His house would have been razed to the ground, like Dr. Priestley's, and there would have been another disgrace brought upon this country, by the destruction of the house and property of an innocent man, because he had not the means of defence against an illegal attack. These instances shew the necessity and legality of providing ourselves with arms against such attacks, when we are furnished with the means of foreseeing them: But, Gentlemen, not only do they take off all effect from that fact which they were to prove on behalf of the Crown, that they had provided themselves with pikes at Sheffield, but they prove something more. You will observe, that we are endeavoured to be implicated in the general plot with all the members of the Constitutional and London Corresponding Societies, and the Society at Sheffield: we are endeavoured to be implicated in the general plot to call a Convention for the purpose of deposing the King, and upon that ground, the declarations and acts of all these people are received in evidence against my client; and therefore, we have a right to ask them, when they are called here, what their views are; and if we can prove that our views were not those imputed to us, we have a right to avail ourselves of it. But what do these men say? Camage and Broomhead say, they never had any idea of attacking the King; they never had any idea of attacking the House of Lords: their only object was, a reform in the House of Commons, which they thought corrupt. They never had any idea to attack the government, but to call a Convention, to make known to the House of Commons what was the general wish of the nation: not by force; they meant only it should operate by the progress of reason; they meant to collect, by delegates sent to different parts of the country, what was the general opinion of the people of the country; and if it turned out that the general opinion of the people was, that this reform should be effected, then they believed, and believed truly, that the House of Commons would listen to a petition so presented, and would accede to such a bill, if brought into Parliament.

Gentlemen, another witness whom they call, is Widdison: he comes from the same place; and you will recollect here, that there had been given in evidence, a letter from one Davison, of Sheffield, to Mr. Hardy, stating what was true; that the patriots

at Sheffield had provided themselves with pikes for their defence: it is pretended, that this defence was all pretext; but when you hear the witnesses for the Crown, you find it was not a pretext, but that they were in real danger of being attacked by the opposite party. Davison writes a letter to Mr. Hardy in London, and informs him, that they might have pikes from Sheffield, if they thought proper, for the same purpose---namely, for their defence likewise; and it is imputed to Mr. Hardy, that the receiving of this letter shews, that he meant to provide this Convention, or those who were to act under this Convention, with arms, for the purpose of supporting these resolutions by force. How does this turn out? The letter contains in it another letter to Norwich, which Mr. Hardy is desired to forward: both the letter to Mr. Hardy and the letter to Norwich remain in his possession till they are seized---from the 21st of April to the 12th of May: he never sends the letter to Norwich; he never mentions to his division that he had received such a letter; he never proposes to any of them, to furnish themselves with those arms which he might have furnished himself with. Now what is the fair conclusion to be drawn from these facts? Is it not this---You were in danger in Sheffield, and you provided yourselves with pikes; and you had a right so to do. But we do not believe we have the same danger in London; we do not believe we shall be attacked; and, therefore, he takes no notice: he does not send the letter to Norwich, or communicate it to his division; he takes no notice of it, except to Edwards; he took no steps upon it, because, you will recollect, that by the letter, he was desired to address an answer to one Moody, who lives at Sheffield. Moody was afterwards called as a witness by the Crown; and he swears positively that no letter from Mr. Hardy, or any of the society, ever came to his hands---a conclusive proof that nothing was ever done by Hardy, or any of the society, to his knowledge, on that letter; and, therefore, also a conclusive proof that Mr. Hardy did not mean, upon a concert between him and Davison, to use these arms provided at Sheffield for the protection and defence of that society; that he did not mean to use them against the government of the country.

Widdison, Gentlemen, who is called also to this fact of the pikes, is cross-examined by us, as to the purposes of their institution: he tells you, and they all join in telling you, that their object was Parliamentary Reform; that they meant to obtain it by peaceable means; that they meant to call this Convention, not in order to take upon itself the functions of government; not, in any respect, to force their opinions by dint of arms; but merely that it might represent to the House of Commons what was the opinion of the majority of the people, and that that opinion might find its way to the House of Commons.

Hill is another witness of the same sort: he also tells you the same fact: he states to you the same things: he proved that they had the pikes; but he proved that they were provided for the same purpose. But great reliance is placed on the evidence of Edwards: by Edwards it is said, that Mr. Hardy did communicate this letter, and furnished him with the means of getting these pikes. How did he communicate it? Why, Edwards, a forward man, asks him, and it was publicly known, that these people at Sheffield had been thus beset, and had provided themselves with these pikes. Edwards comes to Mr. Hardy, and asks him to give him a direction to any body, or tell him who made him the pikes at Sheffield: Hardy having this letter in his pocket, never having communicated it before this to a single soul, and if he had you would have known it, for they have had spies upon him these three years; being asked by Edwards, a very forward young man, for a direction to the man at Sheffield, he does give him the direction; and that is the sole use he ever makes of the letter he received from Sheffield; and he makes no use whatever of the inclosure to Norwich.

Now, Gentlemen, Mr. Hardy did not want any of these pikes: how came Mr. Edwards to ask for them? Not from any communication he had with Mr. Hardy: he is the Crown's witness; and what he says on one side you must believe, as well as what he says on the other; and he tells you it was for that purpose only of defending himself, if illegally attacked, that he desired a direction to Sheffield: he says, there had been great insults offered to him, and it was for that purpose of defending himself, that he desired a direction to this man: he made one for himself personally; and what is that to Mr. Hardy? Is Mr. Hardy answerable for all his acts? And if he was answerable, what does it amount to? If, from a false idea, he chose to provide himself with a pike, and advised two or three others to provide themselves too, is this evidence that can convince any rational mind, or that can go a single step towards convincing a man of common reason, that these pikes were procured by Mr. Hardy, and those who acted with him, for the purpose of supporting this Convention in resisting, by force, the whole united military of this kingdom, and not only the whole united military, but also all the armed associations that had been raised in the country? Three dozen of pikes in the hands of a few Sheffield men, and a few others into whose hands Mr. Hardy might put them; 60 musquetteers, and three French knives; are to oppose the whole armed power of England! Now, can you believe, that men who really entertained in their minds the idea of enforcing the acts of this Convention, which was just about to be called, by dint of arms---Can you believe, that they would have taken no further steps towards the execution of their

their design, if their design had been that which is imputed to them, than providing themselves with three dozen pikes, an order only for 60 musquets, and less than half a dozen of French knives?

Gentlemen, my learned friend suggests to me a fact that fell from a witness in Court, when I was not here; and I am obliged to him; it strengthens my argument. He says, a witness was asked how many pikes they might have procured in the course of one day, and he said 10,000. Then it is no excuse, that though their wants were large, the means of providing them were not sufficiently large. They had nothing to do but to signify what they wanted: and if they had meant to support this Convention by force in Sheffield, they might immediately have raised an army of pikemen, supposing they had numbers sufficient to place them in the hands of. And yet this plan of arming for the support of the Convention, which is stated to have commenced as early as the year 1792, which continued from that time down to the 12th of May, 1794---this array which was preparing itself against the government of the country, though they could have got 10,000 pikes in the course of a few days, had not got the length of an order, I believe, of more than three dozen of pikes---I do not know whether an order, or only a conversation about an order for the Lambeth association, of sixty musquets---and less than half a dozen, three or four, of French knives. The absurdity and improbability of the thing stares one in the face. If these people had the will, they had the means; and you are to try whether they had the will---whether it was the intention of these people to call this Convention, and then to act themselves, through this Convention, by the force of arms. And, Gentlemen, if you find them making no preparation---if you find them not prepared to attack a single company of the guards, it becomes incredible that they should entertain such a project. In most cases that we know of in history, and from the State Trials, in conspiring to raise an insurrection in the country, there is a party in arms in the country ready, to whom they can immediately attach themselves, or else there are preparations for the levying of troops; which troops are to be collected and formed into a body at the time the men themselves are to rise. But here is a Convention stated in terms, to meet immediately, and not a single provision made for the supporting it; which, if it be not proved, this indictment cannot be proved, for supporting that Convention in the force with which it is pretended it was to act.

Gentlemen, another witness they call is Mr. Samuel Williams, and he is to prove not only that Mr. Hardy had provided himself with pikes, to enforce the decrees of this Convention by force, but, I believe, that he had embodied a file of musquetteers to serve under this Convention. But what does this evidence amount to? Samuel Williams is a gun-engraver: Williams bought a
pair

pair of shoes of Mr. Hardy in the year 1793, and wished him to take a gun. Mr. Hardy is supposed to be a man who had now in his mind a plot for overturning the government by force, and arming this Convention itself, or an army was to act under this Convention, and they were not provided with arms; and a man comes to Mr. Hardy's shop, buys a pair of shoes, pays him for them, and wishes him to take a gun. If Mr. Hardy had been in the plot---if he had had any such intention in his mind as is now imputed to him, he would have caught at it immediately; but, instead of that, he refuses it at first: at length, he agrees to take a gun, and then it is suffered to remain more than a fortnight before he can find a chap for it; and at the end of the fortnight, upon his coming again and ordering a pair of boots of him, he gets him a customer.

They say, that the conspiracy commenced long previous to the Scotch Convention; they say it commenced before the delegates were sent to the Scotch Convention; they say it commenced before the letter was sent directed to Norwich. If Mr. Hardy had in his mind the intention of arming a troop for the support of that Convention, then surely he would have caught at the opportunity of providing himself with arms at this easy way; but he does not: he keeps the gun by him for a fortnight, before he gets rid of it, and at last found means to dispose of it, upon the witness having a pair of boots of him; and, by the importunity of the man, he gets rid of two or three. This is the evidence by which they endeavour to implicate Mr. Hardy in this business of Franklow's, and the Lambeth association: Mr. Hardy recommended him to that, and it is said by Williams that Mr. Hardy recommended him to Franklow. It was notorious, that Franklow had an association, and those who belonged to his corps wore uniforms. I know not whether the association was a proper or an improper one, but certainly it was an open and avowed one. Franklow himself appeared at the Globe Tavern in his uniform; it certainly was no secret. He, perhaps, seeing the country full of armed associations, chose to have one of his own: whether he had a right to do it, I will not say, but it certainly was not an act of high treason. Suppose he collected men, armed them, and drilled them: it was not unnatural that he should: it might be a sort of *esprit de cœur*---seeing the country full of armed associations---seeing that other people about him had raised men, armed them and drilled them, especially as he had been a dabbler in the army. I remember myself being in arms, and acting as lieutenant under my learned friend Mr. Erskine, in the year 1780, and very proud we were of our arms: regimentals we had none, but very proud we were of our guns. We had no authority or commission from the Lord Lieutenant of the county, or from Government; but others did it, and therefore we did it: and he did not conceal it; he had printed resolutions, and he
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went about in his uniform; and to say that that unfortunate man at the bar knowing it---knowing Franklow, because he recommended Williams to furnish this man with two or three guns; that therefore it is to be imputed to him that this Convention was to be called for the purpose of subverting the government of the country, is the most monstrous conclusion I ever heard stated in a court of justice. Good God! Gentlemen, if these proofs are to implicate men in such crimes, what man is safe? Who can be safe for a single moment? Merciful God! how can we hope that any of our acts will be screened by Thee---that Thou wilt look upon us at the great Day of Judgement---that any of us will pass innocent there, if upon evidence like this we can be satisfied to take away the life of a fellow creature, because a man happens, in communication with another, who was his customer at his house, to recommend him to provide a few muskets to a man who was raising an association? Therefore, it is imputed to this man---not that that is the fair inference, that he meant only to serve one who had served him in his trade, but it is to be inferred from hence, that he meant with those guns to arm this Convention that was to be called, for the purpose of waging war against the government of this country. It is a monstrous conclusion---it is a disgraceful thing to insist upon such a conclusion upon facts such as these, were there not others, which I know the Solicitor General will rely upon in his reply; from which, taking them altogether, he wishes you to collect that charge which this indictment endeavours to fix upon the prisoner---namely, that he has compassed the King's death.

Gentlemen, the next witness whom they call is Gosling. He is one of those infamous men who endeavour to procure a livelihood by insinuating themselves into the secret acts of others, and discovering them to the government. I do not say that men are not to be charged with acts of theirs discovered by spies, but I say, that a man of this description, who gives evidence against persons into whose confidence he has endeavoured to insinuate himself, is to be heard and attended to with very great caution and reserve. His value rises according to the value of his testimony: he is a more or less valuable witness, and, according as the acts he communicates to his employer are more or less criminal, he is interested to enhance them; and it is to that I attribute a great deal of the testimony of Gosling. If a man of this description goes through his evidence fairly, without any objection rising upon the manner of giving his testimony---if he relates to you a plain, regular, consistent series of facts, I admit you ought to attend to him; but remember how he demeaned himself upon the cross-examination: and in his examination, in chief, he had all his facts ready and easy; but he sunk under the cross-examination of my learned friend---he was confounded and abashed. It is impossible to go through all the evidence laid before you; but

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one fact I remember particularly, that one of those persons, whom he would have implicated in the crime, he stated, went about the country to corrupt the soldiers; that he had corrupted a considerable number, but others he could not---he found many stood proof against him.

Gentlemen, if that had been true, you would have had the soldiers all here as witnesses. It was an easy thing for government to collect who those persons were that he had unsuccessfully endeavoured to tamper with: but not being able to discover any one of these men, and there not having been called a single witness of that description to support the evidence given by Gosling upon that subject, is a plain proof to me, that his evidence in that respect was not true. Add to that, the manner in which he deposed himself upon the cross-examination---the difficulty my learned friend had to get from him answers from the plainest questions, and I think you will find no difficulty in seeing, that what he says, unsupported by any other testimony, ought not to weigh any thing in this cause.

Gentlemen, there is another witness of the same description; his name is Lynam. It is utterly impossible to go into his examination: his examination, in chief, lasted six or seven hours: he spoke from notes, in which he had entered short memorandums: he had mistaken a great number of names that he had stated in those notes---Curtis for Carter, and so on; and hardly a single act to which he spoke, which went to fix criminality either upon the prisoner or those who acted with him; were from his notes, but it was from his memory; and if his notes themselves are so incorrect, what credit can you give to a man who paid so little attention as to confound one name for another. At one time he says, he did not attend to the persons that used the conversation, but to the expressions they made use of; and then he tells you, that this and that general conversation passed at this and that meeting; and I will tell you why he said that---what was said by any of these persons was ruled to be evidence of the general plot, and consequently what he has stated to be said there in general correspondence, has gone to that general evidence; and when he is asked, Who told you this? Who were the persons that used these expressions? he does not know; he did not think it material to observe. What! a spy; a man whose business it is to collect information for government; a man who attended the meeting merely for the purpose of coming afterwards and giving evidence against these people; did not he think it material at the time to collect the names of those that said this or that thing? Did not he think that there was a greater degree of criminality in the persons who said the thing, than those who only sat by? But, no; he paid no attention to any such thing.

Gentlemen,

Gentlemen, to the accuracy of a witness who gives you so little account of his attention, I think no credit whatever is to be given. You will observe whether, in the evidence he gives, he is confirmed by persons of a different description: then, and not till then, you will give credit to him; otherwise, I think, you will not.

There is another witness on the subject of the Lambeth association, to prove that detestable plot: his name is Coates; and the account he gives of it is as public as the sun: he says, that Franklow had arms; that he had cartouch-boxes; that they lay open upon the shop-board; that he had regimentals, and he was not ashamed of them, for it is proved also, that he appeared openly with them at the Globe Tavern.

They come next to another witness of the same description, Mr. Groves; and I beg you will pay some attention to his evidence. The two objects of Mr. Groves's evidence were to shew, that Mr. Hardy, in furtherance of the design, (in order to prove that this Convention so to be called were to use force) had provided himself with French knives---that was one object; another object imputed to him was, to shew, that at a meeting held on the 2d of May, at the Crown and Anchor Tavern, such language had been held by persons connected with Mr. Hardy, as shewed demonstratively, that they must mean to overturn the King and his government. In the first place, let us see how Groves, in his examination in chief, relates these facts. First, with respect to the knives, he tells you, he was at Chalk Farm; that he was in a box with about ten people; that five or six of them pulled out a little instrument, exactly like French knives; that they said they were bread and cheese knives, and then a smile went round: he asked them, where they were to be got; he was told, they might be got at Mr. Green's, a perfumer and hair-dresser, in Orange Street; and then, to shew you that Green had sold a great number of these knives, for the purpose of arming the Convention, or their army, he said, that when he went to Green's shop, Green told him, that he had sold two or three hundred of them, and in such a way as to shew the impropriety of what they were about, says he, he told me to speak very low, for the parlour door was open, and his wife was a damned aristocrat. It is evident what he meant to infer from hence---that Mr. Hardy had got with Green, and contrived to procure these knives for the purpose of arming these people, and had collected together a body of two or three hundred thus armed.

Another object he had, was to collect the motives of the society. On the 2d of May, at the Crown and Anchor, he says, after dinner, Mr. Horne Tooke got up, and said, he supposed one out of fifty might be taken to be a spy; that he begged the company to take notice, that he was not in a state of inebriation; that he refrained from wine purposely. He called the

Parliament a scoundrel sink of corruption; he called the opposition in Parliament a scoundrel sink of opposition: he said there was a junction between these two scoundrel parties. Speaking of the hereditary nobility of the country, he asked, if that skip-jack Jenkinson could be considered as one of the hereditary nobility. And I asked him, upon cross-examination, if he spoke of the Lords---how he treated them. He said, he paid the Lords pretty much the same compliment, for which his Lordship reproved him; but he said, that he meant to convey that he had spoken of the House of Lords in the same way as the House of Commons---that it was a sink of corruption, and ought to be purged. These are the principal facts of his evidence.

Now, Gentlemen, see how this comes out upon the cross-examination. First, with respect to Mr. Tooke, the principal question is, whether the prisoner has conspired to call this Convention for the purpose of deposing the King; and this witness was called to prove, that language had been held tending to overturn the government, and depose the King; and this Groves, in his examination in chief, swears, that Mr. Horne Tooke had so spoken of the House of Commons and the House of Lords. But how does it come out in his cross-examination? I asked him, he being a witness for the Crown, Whether Mr. Horne Tooke had not spoke of the hereditary nobility of the country as a body that ought ever to be respected? He said, Yes, he had. I asked him, Whether his complaint was not, that improper men had been drafted out of the House of Commons into the House of Lords, so that the House of Lords was degraded, and that it was a disgrace to those who were the cause of it? He said, Yes. I asked him, If he did not speak with the greatest respect of the office and government of the King? He said, Yes, he always had; he had spoke of this as encroaching upon the authority of the King. Then what does this evidence amount to? See what is the question before us. We say, that the object of these people was partly a parliamentary reform; that they wished to bring about annual Parliaments and universal suffrage; that their complaint was, that they were not equally represented in the House of Commons; that they wished to make known the general will of the people to Parliament, and that they meant to form a Convention for that purpose. That they thought this would remedy the evil. On the part of the Crown, they say it was not for that purpose: they say, out of Mr. Horne Tooke's mouth, that the Convention was to be called to depose the King; and they bring a witness to prove that it was so from his speech. What says his speech? That the evils lay in the House of Commons: so says the prisoner at the bar; so he always said; so those who have acted with him always said---that it was the corruption in the House of Commons that produced these evils, and that therefore it ought to be reformed.

They

They say, we never meditated any alteration either as to the House of Lords or the King. So this witness that is called, Groves, says, to prove the contrary, that the nobility of the country were to be respected; so says Mr. Tooke, that the hereditary nobility deserved and were entitled to respect; that the King always deserved respect; that his complaint was, that members of the House of Commons, who did not deserve it, were drafted from it: and yet this witness is called to prove, out of the mouth of Mr. Horne Tooke, that the object of Mr. Tooke was, to depose the King. Consider how strong this is, when it comes from the witnesses on the part of the Crown.

Gentlemen, the point is, whether this Convention is called to depose the King; not whether it was to work a reformation in the House of Commons. We admit the object of the Convention was, to oblige the House of Commons, hearing the general voice of the people, to consent to a bill to alter it. It appears to be the object of Mr. Tooke: this was the language he held, and which he held in the presence of that spy. These observations go completely to put his evidence out of the case, as bearing on this case against the prisoner; and it goes further, in two respects---First, that the object of these people was, and was only, a reform in the House of Commons; that the men who are said to be connected with them, did, in their face, absolutely negative any design upon the King, or the House of Lords; that he confined his complaints to the House of Commons; that he spoke with respect of the person and character of the King: and yet this witness is called to prove, that we wish to drive the King out of his place in the constitution.

Gentlemen, he proves the direct contrary; he proves, that the object of all the people there assembled spoke by the mouth of Mr. Horne Tooke; it was the language of all, for none contradicted him; the language of all was, to maintain the dignity of the House of Lords, and to maintain the person and respectful character of the King. But that is not the only use that this evidence does---no: this evidence furnishes us with a fearful example of how much mischief may be done by the evidence of spies. We have no means of correcting their evidence; we know not well of the course of it; we have no means of sifting it---no clue by which to cross-examine him; and it was mere accident that his testimony did not leave upon your minds this impression---that Mr. Horne Tooke, in that large assembly, did declare himself both against the House of Lords and the House of Commons; for he expressly said at first, he complimented the House of Lords in the same way as he had the House of Commons; and so we should have been fixed with the impression, that a doctrine was publicly broached in a meeting, consisting of 500 persons, that all the Commons and all the Lords were a sink of corruption, and consequently that the attack was

levelled at them all. What a situation, then, would my client have been in, from not knowing how to cross-examine the witness, so as to lead him to the truth, which he kept back, and which he knew to be material, and which he ought to have told in his examination in chief? That poor man might have been sent to the gallows. None but a spy so demeans himself; none but a dishonest man, none but a miscreant like him, keeps back in his examination in chief all that is in favour of the prisoner, and what he thinks will assist him, and gives to the Jury all that he thinks may oppress him, and states only that which may affect his life. But he did it, and therefore I desire you will be cautious how you believe men of that description, unless their testimony be strongly confirmed by other witnesses speaking to the same facts. But I have not done with Mr. Groves yet: he has not only been guilty of suppression of the truth, but direct perjury---perjury committed by him for the purpose of enhancing his own value with those by whom he is employed, at the price of that miserable man's life---a crime which, I am sorry to say, is not, in law, murder. But that was his object, however.

Gentlemen, I have told you, another part of this witness's object, in his evidence, went to shew, that Mr. Green was a conspirator in this plot, and had already sold two or three hundred knives, for the purpose of arming; that he went to Mr. Green's, for the purpose of purchasing one of them; that all was secrecy: Mr. Green told him to come in, and that the parlour door was open, and he told him to shut it, for his wife was a damned aristocrat. Now the only thing he could have in view was, to insinuate to you, that Mr. Green sold these knives in private. Mr. Green is a witness for the Crown: he is called, and he tells you, that, in the fair course of his trade, he once had three dozen of these knives. He got them in the ordinary course of his trade. He sold them one at a time. He had disposed, I think, of thirteen or fourteen, each to a different person. He had them sent to him, as I said, in the ordinary course of his trade, in packages of six or seven in a package. This, you see, is inconsistent with the evidence Groves gives. However, this may not affect Groves with perjury. Then he is asked, Did you ever tell Groves you had sold two or three hundred of these knives? No, never: I was asked if the knives were a saleable commodity, and I told him they were: every man will talk so of his own ware; no man would say otherwise. He is asked, if he was under any apprehension about selling them: he says, none on earth; the knives lay in the show-glass, open to the public, and were a public article of sale; and yet Groves tells you, he took him privately into the room, and would not suffer even his wife to know that he sold one of these knives. And here we fix him to a point---He says, in terms, that he told him to shut the door; that the parlour door was open,

open; and he bid him not speak so loud, for his wife was a damned aristocrat. Now, Mr. Green being called by the Crown, swears most positively to you, not only that he did not make use of the expressions imputed to him by Groves, but that he neither mentioned his wife to him, nor the word aristocrat: then this is a direct contradiction of one of the Crown's witnesses to the other: it goes directly to disprove that fact, that the knives were sold by Mr. Green under the apprehension of fear and secrecy; it goes further---that by the term his wife was a damned aristocrat, he meant that you should infer, that he, and those with whom he acted, were men who did not wish well to the government; that they were men of contrary principles, and meant to use French knives. He has endeavoured to distinguish between aristocrats and these French knives, meaning to infer from thence, that Green would have it understood, that he sold these knives to persons that were of a contrary disposition, but he would not let his wife know that he sold these knives, because being of a different principle.

Gentlemen, with these observations I dismiss Mr. Groves; not only not having proved any thing for the Crown, but he proves that which is highly material for us, and furnishes you with a useful lesson, when you meet with men of his description; and I have done with so much of Green's evidence as relates to a contradiction of Groves.

But, there is another thing which Mr. Green swears to, and he is a witness for the Crown, and which falls in with the rest of our evidence; he is asked, whether he, being a member of the Constitutional Society, and acting with them on many occasions, whether he had any idea of force, any idea that this society, or any deputation from them, or any Convention to which they sent delegates, was either to attack the King, or enforce any of their opinions by force of arms? He being a witness for the Crown, and a member of the Constitutional Society, tells you in express terms, that not a man had any such object; our object was a parliamentary reform. The manner in which it was meant to effect that parliamentary reform, was by a Convention that was to act collectively; that was first to collect the opinion of the public, and then to intimate it to Parliament, not doubting that that intimation of the public opinion to Parliament would then have its due weight.

Now, Gentlemen, after these witnesses, who go to the proof of what passed in England, they endeavour to fix us with the guilt of Watt, the man who has lately been executed for high treason at Edinburgh; and for that purpose they call Mr. Ewen, who belonged to the Scotch Convention, which has been proved to be held before: there is no way by which they at all connect Mr. Hardy with Watt, except, I think, that a letter was sent by Mr. Hardy to Skirving, who was a member of the society to which

which Watt belonged. In a conversation with Watt and Stock at Edinburgh, it appears, that Watt was desirous to send a letter to Mr. Hardy, and asks in what way to communicate it, without saying what it was about; but no such letter appears ever to be sent; the subject of the correspondence does not appear; and you have every reason to believe, that every letter that was sent to Mr. Hardy was seized by the Crown; so that I think you may fairly infer, that no such letter ever did exist; and there is no evidence in the case, that any such man as Watt ever did exist; and yet it is endeavoured to affect him by what Watt did in Edinburgh, though even the delegates who sat with Watt are not attempted to be affected by it. Who is this Watt? A spy employed by government, up to a certain extent. He was discharged by them from the employment, because he overvalued his services. I think so it appeared on his trial. Being so discharged from them, he continues to associate with the Scotch Convention: he remains with them, and he makes a violent proposal, which all present reject: I do not mean in the Convention. Now, I will tell you what I firmly believe to be the case of Watt; I mean among some of the members. Watt had been a spy, he had carried his communications to government; he pretended, perhaps, to know more than he did; he certainly overvalued his services; he still adhered, he still fixed himself on these men, and he still kept company with them; and I verily believe in my conscience, that he made this proposal to them, in order to send the proposal to government, and then to hang them afterwards. I believe him to be a determined miscreant; and I am not sorry he is hanged, if that were the case, because he deserved it: but you have heard that he was a member of the British Convention, and that he afterwards attended the sub-committee, proposing those measures which were rejected with abhorrence by them; and I do verily believe, that he made that proposal that he might, for the single purpose of implicating them in the guilt of such a project, shew that the hireling is worthy of his hire---that he was worth the price he asked, and that he might carry the information back to government. But he met his fate, and he met his fate as he deserved, take it either way, that he meant to accomplish the purpose, or not to accomplish the purpose---he wished to draw others in it, for the purpose of carrying others to the gallows: he met a fate he richly deserved, and I discharge him from your consideration.

But, Gentlemen, observe another thing: Watt is to be connected with Mr. Hardy. How? Through the Scotch Convention he is to be connected, because Mr. Hardy corresponded with the Scotch Convention, and Watt was a member of the Scotch Convention? Good God! have they attempted to fix the guilt upon any individuals of the Scotch Convention, except Watt and Downie? They have brought all the indictments, I suppose,

pose, they mean to prosecute for high treason in Scotland, and not one of those delegates, that I understand, with whom Watt was immediately connected, not one of them is indicted for high treason. Why? because the high treason Watt was guilty of consisted in the fact which they had no participation in, and much less Mr. Hardy, the prisoner at the bar, had any participation in it.

Gentlemen, what is the account that M'Ewen gives of this proposal of Watt?---that they rejected it with abhorrence: then if they who were on the spot rejected it with abhorrence, and there was no immediate communication between Mr. Hardy and Watt, will you, by a long chain of implication and inferences, fix that upon Mr. Hardy, which the witnesses for the Crown do not pretend they can fix upon those that were immediately connected with Mr. Watt, the actor in it? It is impossible---it is not to be supposed, that men of common humanity, or common justice, can ever admit or entertain such a thought.

Gentlemen, another observation arises upon this evidence of M'Ewen---he is a Scotchman, and he is a member of the Scotch Convention. You have heard from his evidence what he thinks of the Scotch Convention; and I think we have reason to say, from the manner in which he gave his evidence, that you receive from him his real sentiments upon all the subjects upon which he was questioned, and a true relation of all the facts upon which he was questioned. Was there any difficulty in getting from him this account of Watt? Does not he answer immediately on being asked? Does not he communicate the whole story? Does not he express his own abhorrence of it? And, I believe, he came voluntarily to give this account; I know not the contrary---the contrary is not proved---the contrary does not appear in this case: and I am entitled, as Counsel for the prisoner, to insist, that no fact exists which is not proved. The witness came forward in the ordinary course, and therefore I am entitled to suppose, I am entitled to state as a fact, upon which you will have to reason when you come to consider what verdict you will give, that no compulsory means were used to bring this witness to the bar; not that it is material, but I have a right to state it. Does not he readily communicate this business of Watt? and, surely, the rest of his evidence is as credible as that. He does not attempt to hold back that which does affect the prisoner on the part of the Crown; why should he be supposed to hold back that which makes for the prisoner in his defence? He tells you---(and here I am answering that part of the case which implicates us with the guilt of those in Edinburgh)---he tells you, there was no idea to encroach upon the authority of King or Lords; there was no idea to usurp supreme authority---none to assume the functions of Parliament---no notion of force---nothing was to be done by force; and, the very night of the dispersion, they
were

were to consider of a petition, either to the Parliament or to the King. Then what does it amount to? If this is the case, what becomes of the charge against the prisoner, if in all this huge field you cannot prove any design to depose the King by force? What becomes of the charge against Mr. Hardy, that he, with others, conspired to call a Convention; which Convention, when called, was to act by force of arms against the government of the country, and to depose the King?

Gentlemen, I observe, and I dare say the facts will be observed upon by Mr. Solicitor General, in reply, that all the witnesses who were questioned to this circumstance were asked, whether they thought certain resolutions shewn to them were peaceable and orderly. Some had seen them, and some had not. I have nothing to do with their opinion on the point. Whether those resolutions were peaceable and orderly, is not the question in this case. The question is not, whether these people have come to peaceable and orderly resolutions, but the question is, whether they have committed an overt act, the direct object of which was to depose the King, and the ultimate object of which was to compass and bring about his death: and it is very hard on the prisoner if dust is to be thrown in the eyes of the Jury, to fix their attention upon facts which do not amount to high treason; (and if separately they do not amount to high treason, all taken together cannot;)--to prevent them from looking at that which is the alone circumstance for their consideration, the alone object of their enquiry---Whether he did mean to depose the King when he called the Convention; whether he did assemble this Convention which was to act by force of arms, against the government of the country, and to depose the King? It matters not whether this report is full of libels; the question for your consideration is, Whether they have been guilty of high treason? Whether the calling together of this Convention was for deposing the King? And when we ask of every one of the witnesses that are called for the Crown, whether they had any such intention, and when they tell you in plain direct and express terms that they had no such intention, and when they tell you what their intentions were; that they were peaceable; that their intentions were to produce a parliamentary reform, by calling this Convention to produce it peaceably; you are not afterwards, by the accumulation of all those acts, no one of which amounts to high treason, and the prisoner is not to be told that you are to find him guilty of high treason, because you don't like his politics; that is not, thank God, the way in which persons are tried in this country. You are to keep your eye on the fact; you are not enquiring whether he is obnoxious to this or that set of men; you are to enquire whether he committed the act; whether this meeting that he held for the purpose of calling this Convention was meant and directed immediately to the deposition of the King, and ultimately

ultimately to his death; and if you do not find that, you cannot find the prisoner guilty.

Gentlemen, I have already observed to you upon the miserable case that was made on the subject of arms, musquets, and pikes, and yet, Gentlemen, I am perfectly persuaded, that that part of the case would never have been laid before you, if those who conduct this prosecution had not entertained a firm and certain opinion, that without it they could do nothing: such evidence weakens a strong cause---it is of a nature to add nothing to the strength of a cause that can stand by itself. But we know, that when a case is not sufficient to fix the charge on the prisoner, without which there must be a verdict of acquittal, we know very well, that any thing is attempted. I speak particularly of the attempt to fix him with what Watt has done. I am sure it would never have been attempted. One's mind revolts so much at it, that I am sure it would never have been attempted but for that purpose---if it had not been thought necessary for the support of this cause. I told you before, that I have the best authority for saying that the delegates who were tried in Scotland, none in the least, except Watt and Downie, had been guilty of high treason---I have the authority of them who prosecuted them, and the Judges who tried them, because the Judges have tried them only for a misdemeanour; and if they were guilty of high treason, if they were known to be guilty of high treason, and they tried them for a misdemeanour, it was not humanity so to prosecute. True humanity should be shewn to the innocent, and not to the guilty---the guilty should be punished up to the extent of their crimes. But, if these men were guilty of high treason, were known to be guilty of high treason, and yet were prosecuted for misdemeanours, that prosecution becomes a snare to others; it holds out to them, that acts of this sort are not high treason; it waits for their going on till they have accomplished that---perhaps, till the net is thrown over them---till they have accomplished that which, in the judgement of those who prosecuted for misdemeanours, in the judgement of the Judges of Scotland, was not high treason---then the net is thrown over them, and they are told that is not a trap laid for them---you must take the law as it is---we thought if we punished them as traitors, you would not have gone on, and it is nothing to you how we proceeded against other men---we will proceed against you as the law is, we will proceed against you for high treason---it is no matter how we charged them. Gentlemen, this is not humanity---humanity should have been shewn to those who have not been guilty of crimes, and not to those who have. These people that had been guilty of high treason should have been punished as traitors, and not a trap be laid to bring others into the snare. I do not say, Gentlemen, that this was the conduct either of the prosecutors of these delegates in Scotland, or of the

Judges who tried them; but I say, and have a right to say, I am entitled, by their conduct, to assert this---they did not believe them to be guilty of high treason, and therefore they prosecuted them only for misdemeanours.

Now, Gentlemen, I have stated to you the ground upon which this prosecution is founded---it is compassing the King's death. I have stated to you that which I beg you always to hold in your minds---that the ground of the prosecution is, that the prisoner called this Convention for the purpose of deposing the King. I have stated to you, that none of those acts stated in the volume of written evidence laid before you amount to proof of that fact---I should have stated before to you, it was an omission, but I will now state to you what I apprehend to be the overt act charged in this indictment, and is attempted to fix this crime of high treason---it is the resolution to call a Convention. Now, Gentlemen, I will state to you, and I beg of you to hear the language of that resolution, as ultimately agreed to---“That it appears to this Committee very desirable, that a convention or general meeting of the friends of liberty should be called, for the purpose of taking into consideration the proper methods for obtaining a full and fair representation of the people.” That is the overt act with which the prisoner is charged---the coming to that resolution. Why then, Gentlemen, the professed and avowed object of this Convention, by those who resolved it should be called, was not that it should act; was not that it should do any thing; not that it should take arms into its hands; not that it should entertain others who had arms in their hands, but merely that it should take into consideration the proper method and best means to obtain a reform in Parliament; to obtain a full and fair representation of the people. This is our language, and this is the language throughout all their resolutions; and I insist there is no direct evidence on the part of the Crown which shews this to be a mere pretext, and I shall come presently to that; at present, I am only stating how the Counsel for the Crown have made out their case. On this part of the case you must believe, before you can convict the prisoner, not only that force was intended, but you must believe that this Convention was to use that force; and it is a remarkable circumstance, there is not a single tittle of evidence which unites the project of the Convention with any thing of arms, that connects them, that brings them at all together: they had spies upon all their proceedings; all their meetings were watched; there were spies over every member of the society, when in the society, and, probably, at many other times there was a man at his elbow, who would give an account of what passed; and yet, not a single expression is to be found in all the written evidence, or a word that has dropped from any man's mouth, that connects the calling of a Convention with any force; and unless you connect

nect the two together, you cannot find the prisoner guilty on this indictment. There is not evidence, without the arms, nor any thing like evidence, and there is not evidence with it. There would be hardly any evidence for your consideration if it was not for the parole evidence of arms---whether these men did or did not intend to act by force; and you must believe men's words as they are spoken, unless the contrary be directly proved.

But, Gentlemen, when the Crown has given in evidence this business of arms, they tell you, and I am entitled to assume it, that the force these men, the Convention, meant to use, was that force. If there was any other, they would shew it. If they meant not to use that force, they meant to use none, and the conclusion would follow. The Crown knows all that was done. The question is, whether the Convention meant to use force: this is the force that they meant to use, if they meant to use any; therefore, if they do not prove that they meant to use this force, they do not prove that they meant to use any. Their case would have been much stronger in that part of it, if they had not called this evidence, because you would have been told that a great deal of this sort had been done, though they had not proved it---that you were to presume, that a great deal of this sort had been done. But they have taken upon themselves to shew you what that force was that this Convention was to use, and they have put it upon the musquets, and the pikes, and the knives. I hope I have disposed of that already. But, supposing there is any thing in this proof of pikes, musquets, and knives, yet there is no evidence connecting it with the Convention; and if it had been the project of these people, that this force should be used by this Convention, that they meant to use it, it is utterly impossible but the Crown should have known it, because they have had spies every where: for you see, Gentlemen, when we call a witness, they know him a great deal better than we do: they have had a man in every society in London. When a Mr. Stevens is called, they know whether it is a Mr. Stevens of Rathbone Place, or Mr. Stevens of the Minories: they knew them all; they have had watchers at their elbow; they have been vigilant, and they are to be commended for that. But still it fortifies my argument that they knew all that is in this case, which helps my presumption; that all that exists has been brought forward by them. You have nothing else to form your judgment from but what they have laid before you; they have laid before you all the evidence relative to arms, and they have laid nothing before you to shew that these arms were connected with the Convention---to shew that these arms ever were used by the Convention, or that it was ever in their contemplation that they should be so used, for if it had, there are men who talk of what they mean, and if it had been in their contemplation, it would have been known to the officers of the Crown. When I say

they talk what they mean, give me leave to make an observation which may be out of place---how public every thing has been done which has been done by them: there is hardly a single act which is now imputed to them as a crime; hardly their acts, taken altogether, and wove up in this intricate web that is spread before you, and endeavoured to be brought upon the prisoner, there is hardly one of these acts that he, and those with whom he acted, have not publicly and openly avowed in the face of day. It may be said that this adds to the crime; that if they are illegal, it adds to their illegality, and the publicity of it adds impudence to it. I admit it does; but it does not make them high treason; and I will tell you what it shews---that the object which these men professed was their real object; it shews, that they acted *bona fide*; if they were illegal, it shews that what they were about they thought they had a right to be about; that though they might be wrong, that though they might be illegal, they thought they were acting legally, otherwise they would never have submitted to Courts of Justice those acts now complained of as constituting an act of high treason.

Gentlemen, hitherto I have only observed to you, upon the evidence that has been produced on the part of the Crown. From every evidence produced against us, you have heard, first, from the language of our resolutions that have been produced against us, that our object was parliamentary reform---in the next place, they say, that language may have been pretended; it may have covered a different design. You have it upon oath, that it was the design of those people with whom they say we are connected, for every witness has sworn to you, that their objects were peaceable. This is the evidence of the Crown. Now we have supported this by evidence of our own: we have added to the number of witnesses which the Crown called, and who gave an account of what were the motives of these societies---to shew what was their end, and what were the means by which they intended to effect that end. Every one of these witnesses, called to you one after another, has agreed in saying, that their end was a parliamentary reform; and, that though to accomplish that end they meant to call this Convention, yet it never entered into their minds to conceive that this Convention was to act by force; on the contrary, it was to collect the voice of the country, and when the voice of the country was collected by that Convention, it was to be carried by the same organ to the House of Parliament, which, it was supposed, would listen to it.

Gentlemen, it would be idle in me, it would be cruel towards you, to enter more particularly into the evidence. I think I have stated to you what is the general effect of the evidence of every witness that has been called to you; but, I think, there were two called at last, Mr. Sheridan and Mr. Francis, who speak more particularly to this fact, and more particularly deserve your consideration,

sideration, because they shew, most decidedly, that the object which the prisoner at the bar has professed, was his real object.

You recollect the time when there was an alarm in the kingdom, when the Parliament was called, and the militia embodied in an extraordinary way. The ground for calling it was, that there were disturbances and insurrections in the kingdom: there were some gentlemen who thought there did not at that time exist those disturbances, and, accordingly, disputed the real existence of them, and there was an enquiry instituted. On that occasion Mr. Hardy attended Mr. Sheridan, and he states to you, that Mr. Hardy wished the Committee to be appointed, and an enquiry to be made; and he was ready to have laid before Mr. Sheridan, to have been called before the House of Commons, and to have been obliged to have given an account of every thing he knew about the business. He stated, that the societies had been ill-treated; that they had met at public-houses; that the publicans were fearful of losing their licences, and had refused their coming in; that he had given Mr. Sheridan all the assistance in his power, and had given him all the houses they met at; that he wished the enquiry to be instituted, in order that he and all connected with him might have an opportunity of shewing to the public, what their real views were. He was ready to lay before them all his papers---all his documents, relative to the institution and progress of this society: that seems to me to furnish exceedingly strong proof, that Mr. Hardy was acting *bona fide*, that he had then no criminal intent in his mind, nor those who acted with him; if he had, he would have wished to have had the enquiry suppressed: but, instead of that, he comes forward, and is ready to give every assistance in his power towards prosecuting it.

Gentlemen, the next person called is Mr. Francis. He says, Mr. Hardy attended him, wishing him to present a petition to pass a bill for annual Parliaments and universal suffrage. Mr. Hardy attended him with others, and he says, Mr. Hardy struck him particularly by his deportment as a reasonable and quiet man. Mr. Sheridan, likewise, gave that testimony to his character; he says, he remarked him for his peaceable and decent deportment. They came to desire him to present their petition; he conversed with them, and he told him what they have always said, and what they do now say, notwithstanding this prosecution against them, that they learned their principles from the Duke of Richmond, and they were convinced by his arguments; and I am afraid, that they still hold these opinions which they first entertained, following the Duke of Richmond's principles and tenets. I hope it is no reflection upon any man not to hold those principles, for I do not myself; but, surely, it is an excuse to such a man as Mr. Hardy to entertain such principles, when the Duke
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of Richmond entertained them and published them to the world.

Gentlemen, they adhered to their object, Mr. Francis says, of universal suffrage. He represented to them, that that was not the usual form of a petition; that they had better leave it open to the wisdom of the House of Commons, what sort of a reform they would adopt: they were ready to present their petition in the common form, but still they adhered to their principles---that the petition, be it presented in what form it might, was for universal suffrage and annual Parliaments. Surely, this must shew you most decidedly, that the real opinion of this man is, that it would be a good thing to obtain annual Parliaments and universal suffrage; and that was the object, that was the only object which he really and *bona fide* pursued.

But, Gentlemen, those who conduct this prosecution wish to persuade you, that there is more in it than what lays on the surface; they wish to persuade you, that these men have not acted honestly; that they have not acted *bona fide*; that the end which they have held out as their object was not the real one: they would persuade you, that the means of obtaining this object is a mere pretence, and that there is no colour for insisting that these were the real opinions. Now let us examine that a little; let us see what grounds they have for maintaining their real opinions; let us see, if there are any reasons to conclude from their conduct, that these are their real opinions. The proposition of these men is this: that the House of Commons is corrupt---that that corruption proceeds from the manner in which the nation is represented, and by the long duration of Parliaments: they think it might be corrected by annual Parliaments and universal suffrage; they think the House will not grant them the redress they ask by petition, because it has been refused; they think that the majority of the people (I do not say they are right) are on their side: they say, they wish to collect the sense of the majority of the people, and therefore propose a Convention of Delegates to be called, to collect that opinion, and, if it appears what they think it is, to convey that opinion to Parliament. This, they say, is mere pretext; now let us examine it in its parts.

Gentlemen, the first proposition is, that the House of Commons is corrupt. I do not say that the House of Commons is corrupt, but I am examining whether Mr. Hardy has said so, who pins his faith upon the Duke of Richmond. What says the Duke upon that subject? He says, "The lesser reform has been attempted with every possible advantage in its favour; not only from the zealous support of the advocates for a more effectual one, but from the assistance of men of great weight, both in and out of power. But with all these temperaments and helps it has failed.

failed. Not one profelyte has been gained from corruption, nor has the least ray of hope been held out from any quarter, that the House of Commons was inclined to adopt any other mode of reform." Then it is not first a suggestion of Mr. Hardy and his friends, that the House of Commons was corrupt, and that this was the means by which he proposes a remedy; but the Duke of Richmond, his great prototype, the man whose precept he has followed, and whose disciple he is, he tells him, in express terms, the House of Commons is corrupt, and that corruption proceeds from the people not being properly represented in the House of Commons, and proposes this means of redress. The remedy, then, that is to be applied is annual Parliaments and universal suffrage.---What does the Duke of Richmond say upon that subject? He says, "I am more and more convinced, from every day's experience, that the restoring the right of voting universally to every man, not incapacitated by nature for want of reason, or by law for the commission of crimes, together with annual elections, is the only reform that can be effectual and permanent. I am further convinced that it is the only reform that is practicable. All other plans that are of a palliative nature have been found insufficient to interest and animate the great body of the people, from whose earnestness alone any reform can be expected. A long exclusion from any share in the legislature of their country, has rendered the great mass of the people indifferent whether the monopoly that subsists continues in the hands of a more or less extended company, or whether it is divided by them into shares, of somewhat more or less just proportions. The public feels itself unconcerned in these contests, except as to the oppressions it endures, which it knows must continue so long as the people remain deprived of all controul over their Representatives.

"What I call for is not conveniency, but right. Let us then but determine to act on this broad principle of giving to every man his own, and we shall immediately get rid of all the perplexities to which the narrow notions of partiality and exclusion must ever be subject."---Now it is objected to Mr. Hardy that this idea of corruption in the House of Commons, that this idea that the cause of that corruption may be remedied by universal suffrage and annual Parliaments, is all pretext: what reason can there be to say that it is pretext? What colour is there for saying that, when you have it over and over again, that Mr. Hardy abides by the plan of the Duke of Richmond; that that is the only object he wishes to be carried into execution, and that which he professes in all these resolutions to be his object, is that which appears in terms to be the object of the Duke of Richmond, which, by a publication to the people of England, he recommends to be adopted? Therefore, Gentlemen, we have got this length, that the corruption of the House of Commons is

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not a thought of Mr. Hardy's; that the cause of that corruption is not a thought of Mr. Hardy's; that the means by which that corruption might be remedied is not a thought of Mr. Hardy's: they are all the thoughts of the Duke of Richmond, supported by those reasons which you heard read when his Grace was in Court. I have stated to you what was thought the immediate means to remedy all these evils---annual Parliaments and universal suffrage.

The next thing is the means to obtain that. How is that to be brought about? (That is said to be a pretext too.) Mr. Hardy thinks this may be brought about by a convention of the people, assembling to take the public opinion. What says the Duke upon that subject? He says, "The weight of corruption has crushed this more gentle, (speaking of a lesser reform,) as it would have defeated any more efficacious plan in the same circumstances. From that quarter, therefore, I have nothing to hope. It is from the people at large that I expect any good."

Well then, when such a man as the Duke of Richmond tells them, Parliament has been petitioned so often to no purpose, and tells the public that if Parliament is petitioned they will not grant it, and tells them that it is from the people at large alone he expects it will be granted---what was the mildest sense the man at the bar could put upon these words? Was it not this? From the people at large the Duke of Richmond expects this reform; he does not expect it from Parliament; he knows the Parliament will not grant it; but he expects it, and if he expects it, surely it may be lawfully expected from the people at large; surely, I think the most rational, the most peaceable, the most constitutional construction that can be put upon that expression is, that it is to be expected from the sense of the people at large speaking to the House of Commons. What the Duke of Richmond meant was this, not acting by force most unquestionably, but that he expected this from the people at large, hoping they would declare what their public wishes were, and that their public wishes communicated to the House of Commons would produce the reform he wished to be produced.

Gentlemen, I think this is fair reasoning; I think that must be the construction that you will put upon the Duke of Richmond's words. It cannot be said that a man with so enlightened a mind as the noble Duke possesses, that he meant to incite the people to arms by this letter to Colonel Sharman; that he meant to excite the people to take up arms against their government, and to enforce that which might have ended in the destruction of that government in which he had so much at stake. It must be understood, that he meant, by the people at large, their opinions being collected; and those opinions being communicated to the legislature, would produce the effect which he wished. What then has been the conduct of the prisoner, testified by
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every part of the evidence in this cause?---That he uniformly acted upon the Duke of Richmond's plan; that he wished that to be effected which the Duke of Richmond meant to be effected, and that he wished it to be effected by the same means. Then it would be monstrous in you to construe these acts and resolutions of these people in the way that you are desired on the part of the Crown; it would be monstrous for to say that he meant any thing further. Is it not possible that he, by all these things which have been given in evidence---is it not possible that his object should have been, that the Convention would do that which I have stated---collect the sense of the people, and communicate it to Parliament? I only ask first, Is it not possible? If it be possible, and if you find that that was the Duke of Richmond's plan, and that this man has uniformly declared that his object was only to do that which the Duke of Richmond pointed out in his plan, surely you will not, for the sake of fixing guilt upon him, presume he meant more than the Duke of Richmond, but rather inclining on the side of innocence, you will say, that he meant what the Duke of Richmond did mean; that he meant the Convention to act as the Duke of Richmond said the people at large might act, in order to obtain universal suffrage; not conveying it by force of arms, but peaceably to petition the House of Commons.

Gentlemen, it is a principle, I think, in the English law, that when the act of a man is indifferent or doubtful, you will rather attribute it to an innocent than a guilty motive; and I hope too you have not lost sight of another principle---that if the acts of a man be indifferent, and there be evident proofs of some having a tendency to shew it to be from one motive, and some having a tendency to shew it to be from another, I hope you have not lost sight of this principle---that a Jury will incline to think of the most innocent one, rather than the guilty; and with respect to this act, the calling a Convention, that it must be taken to be an innocent act. You have heard read a protest made by several learned Peers upon a motion that was made in Parliament, in the House of Peers, during the pressure of the American war, when the burdens were felt heavily by the subjects. Earl Shelburne made a motion, that the burdens should be relieved from the subject; the immediate object of which was, that a Committee should be called, consisting of neither placemen nor pensioners, to enquire what unnecessary expenditures, pensions, and places existed; and to enquire how and what were the best means of lessening them. After a long debate, the motion was negatived, but those who were in the minority, if they were weighed, not by number, but by quality, would be called the majority. At their head was the great and venerable Earl Camden, as great a constitutional lawyer as any, and a firm supporter of the constitution; some now acting in administration,

the Duke of Portland, the Duke of Grafton, Lord Fitzwilliam, the Duke of Rutland, the Duke of Devonshire, Marquis of Buckingham, Lord Scarborough, and, true to his old principles, the Duke of Richmond. They were in the minority. The motion was negatived, but they protested against the negative. They assign their reasons for publishing it---they wished to hand down to posterity their reasons for thinking that that Committee ought to have been instituted, and that that enquiry should be set on foot; and the fourth reason they give is this---“ We are further impelled to impress this motion, because the object of it has been seconded and called for by a considerable majority of the people, who are associated for this purpose, and seem determined to pursue it by every legal and constitutional method that can be devised for its success.” There you have Lord Camden’s authority, that the people may legally and constitutionally associate for the purpose of obtaining an end which appears to them to be a legal and constitutional one; and then they go on---“ And however some may affect to be alarmed, as if such associations tended to disturb the peace, or encroach upon the delegated power of the other House, we are persuaded, it is with no other view, but to collect the sense of the people, and to inform the whole body of representatives what are the sentiments of their whole body of constituents.” Then these learned and noble Lords assert, they believe, the collecting the general sense of the people at large to be the object of these associations---they believe, that the object of these associations is to communicate to the whole body of the representatives what are the opinions of the whole body of the constituents. That was the object of the man who stands at your bar; that was the object of all those who acted with him: they meant to call a Convention of Delegates; not an association of the whole people, but of something less tumultuous than the whole body of the people at large---by a Convention of Delegates, by whose means they might collect what was the opinion of the whole body of the people, and by the same organ communicate it to the whole body of their representatives. They go on---“ And if it be asked what further is to be done if these petitions are rejected, the best answer is, that the case cannot be supposed; for although upon a few separate petitions it may be fairly said, that the other House ought not to be decided by a part only of their constituents, yet it cannot be presumed that they will act in defiance of the united wishes of the whole people, or indeed of any great and notorious majority.”

Then here I get another step: separate petitions had been rejected, and petitions might be rejected: the House of Commons might not think it necessary to accede to separate petitions; but if petitions could be got from these general associations of the people, or indeed any great majority, that were legal and constitutional,

constitutional, that, according to the opinion of Lord Camden, ought to be attended to. It ought to have its weight---to carry so much weight in its estimation, that it could not be supposed that so wise a body as the House of Commons could not yield to it.

Gentlemen, is that illegal, which Lord Camden, that great lawyer, says, when he states to you, that such an application, such petitions, ought to be attended to by the House of Commons? Can it be contended that such associations are illegal? Is it not holding out to the public, that when separate petitions are rejected, if there be a measure rejected that is thought to conduce to the public good, it is the right of the people to present collective petitions, as a public body, telling them, that petitions so presented are not likely to be rejected? They go on, and say---“It is admitted that they have a power to vote as they think fit, but it is not possible to conceive that so wise an assembly will be ever rash enough to reject such petitions, and by that means, cause this dangerous question to be broached and agitated---whether they had not broke their trust. The voice of the people will certainly be complied with---Ministers may, as they seem to have done in a recent instance, deprive any man of what he holds at their pleasure for presuming to exercise his undoubted right of thinking for himself upon this or other public subjects; but it will not be wise in them to treat these associations with contempt, or call them by the invidious name of faction---a name by which the minority in both Houses of Parliament have been so frequently and so falsely calumniated; because the name, so applied, will recoil back upon themselves, when acting against the general sense of the nation: nor will they be able to represent those numbers, so respectable in rank and property, as they did but too successfully the discontented Americans, as a mob of indigent and seditious incendiaries; because the people to whom this is addressed, are the very people that are abused, and every man bears within himself the testimony of its falsehood.”

Gentlemen, the reason of my bringing forward this protest to you is, that you may see that it has been the opinion of great and enlightened men in this country, that associations of the people, for obtaining the redress of what they conceive a national grievance---that such associations are not only legal, but commendable; because, if they were not only strictly legal, and commendable also, I should not see such names as I do at the bottom of this protest, in which they say, that when such petitions are presented, it would be inconsistent with the wisdom of the House of Commons to reject the prayer of such petitions.

Now, Gentlemen, if this be so---if this man at the bar has always acted upon the Duke of Richmond's plan---if the Duke of Richmond has constantly pointed out to him, in all his publi-

cations, that there exists this corruption in the state---that it may be remedied by this means, that the people have a right to act for themselves in the way which I have stated to you---if it is the opinion of men so eminent as those whose names I have read from the bottom of this protest, that associations of this sort may be legal, how is the prisoner at the bar to be implicated in the charge in this indictment? Recollect, that if you can attribute his actions to an innocent motive, you ought so to attribute them, rather than ascribe them to a guilty one. If you find that he has constantly followed the plans he is stated to have followed---plans of a different nature to that now imputed to him, wherein he has learned that general associations for this purpose are lawful, how can you say, that he who projected only to call a Convention for the purpose of a parliamentary reform---who states, in the resolution to call it, that it was for the purpose of taking into consideration the proper methods of obtaining a full and fair representation of the people---how can you presume against the constant tenor of his life? How can you say, against the doctrine laid down in this protest, which holds out, that associations for this purpose are legal and constitutional? How can you say, against all this, that though he professed always to follow the conduct of men who held out that doctrine, and whose precepts he has constantly followed, how can you presume against all this, that his purposes were neither legal nor constitutional; that though he professed always to follow the example of men who held out matters that were legal and constitutional, yet that he held out the matter for a reform in Parliament only for a pretence? How can you presume from such evidence that he had that guilty mind the indictment charges him with---namely, calling together this Convention for the purpose of acting together with arms, to subvert the government of the country? That would not be that charitable conclusion to which English Juries upon such evidence have ever inclined; and, sure I am, you will never begin such a practice.

Let me suppose, for a moment, that noble person who gave his evidence here in Court, could descend from his rank, to defend this man, the prisoner before you. What would he say in his defence? Would he not say---Look to the origin of all this. It was my plan---he is my disciple---he followed my doctrine, by the means that I pointed out to him. I told the public, that universal suffrage and annual Parliaments was the only reform to be introduced into the House of Commons: that would remove the grievances under which we labour. I told the public, they had a right to assemble, and to make their voice heard in the House of Commons. I have not only taught this, but left with the public the reasons which induced me to form that opinion; and those reasons have since been operating upon the mind of the man at the bar. If this man has sinned, his sins are upon my head. If
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he has been misled, he has been misled by me. He has pursued the same object, and he has pursued it by the same means. But he has used harsh language, he has entered into imprudent resolutions. Why, it may be, he is an ignorant man. His resolutions may have been illegal---may have been harsh; but when I have led him to this---when I gave him the principle---when his object is the same as mine---when the ultimate end is the same---when the means are the same, namely, by the intervention of the people;---a little indiscretion, a little violence of language, even a little illegality is to be excused, in a man of his profession. I am of high rank in the state, of great abilities, of great industry, of education, experience, and knowledge, and an enlightened mind to direct me: I used all these qualifications to endeavour to trace the source of the evil, and the remedy that ought to be applied. They led my mind to conclude that which I thought was really salutary to the public on this cause---that universal suffrage and annual Parliaments are the only means by which the country could be saved; and that if the House of Commons would not grant redress upon private petitions from the people, to the people was the appeal.---He learned it from me: he has not my advantage, he has not my rank. I do not mean to intimate, that a Jury of this country will not distribute equal justice to a Duke or to him---that if that Noble Duke stood at the bar instead of Mr. Hardy, he would have reason to expect a different verdict from Mr. Hardy, reasoning from the same facts. But my reasoning is the same. The Duke might say, I entertained the opinion that this man, following me, now entertains. He has none of those advantages; he has on his side nothing but ignorance. It is not wonderful, that reading the reasons I have published should convince him; and, therefore, it is reasonable for you to presume, he has acted *bona fide*. But he has gone greater lengths. He may, and that too may be excused in him, because he is an ignorant man. He has not had the advantages I have---he has not had the advice I have had. He too may have met with greater provocations than I have. I have a large train of followers in the House of Lords: the propositions I brought forward were never rejected with disdain and contumely. I never had the provocation he has received. I do not enquire whether the provocation was just---whether it be well or ill founded; but still it is provocation, and a provocation at which it is not to be wondered that an unenlightened mind should be irritated by.---These are the topicks that the Duke of Richmond himself would urge to you.

If the Duke of Richmond felt for a moment that that man's life was in danger, his blood would curdle in his veins. He would be shocked at the idea, when he knows that all the conduct of this man was produced by the principles he has uttered: it is that to which he has led him, which has been by the doctrines he
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has avowed, by the reasons he has published. If he knew that all the conduct of this man must have proceeded from this, he would implore you on his knees not to find any guilt upon that man, you were not ready to find upon him. He would tell you, that there is nothing that he has done that he would not have done: his principles are the same, and his object the same, and the means taken are the same: not a single expression has been proved upon him tending a different way. And surely, Gentlemen, it is a great excuse for a man in the situation of life in which the prisoner stands, to have had the doctrines of the Duke of Richmond inculcated upon him as they have been---to have had the excuse of the same object which the Duke pointed out, and by the same means. And I say by the same means; because I say it is not proved by that plain, direct, and manifest proof which the statute calls for, and which Lord Coke says is required; it is not proved by that plain, direct, and manifest proof that he had any other designs: and if those other designs are not proved by that plain, direct, and manifest proof, then the circumstances of his always having avowed different designs, that his intent was to adhere to the plan of the Duke of Richmond, ought to lead you to a conclusion, that in this case he meant not to go beyond the plan of the Duke of Richmond.

Gentlemen, what I have troubled you with hitherto is chiefly upon the general evidence of the plan that has been laid before you.

Gentlemen, you collected from an argument that we had in the early part of this cause, that none of the evidence admitted in this cause, which is not brought home personally to Mr. Hardy, ought at all to affect him otherwise than this---that it tended to prove the object of a general conspiracy in the country to call together a Convention, to be supported by force against the government. With that view, nine-tenths of the evidence that was read has been admitted, and with that only view; and it was stated by the Court, that Mr. Hardy was not to be affected by any of that evidence, any further than he might be proved afterwards to be engaged in that plot, and to the extent that he was proved to be engaged in it---namely, that plot of calling together a Convention, to act with force of arms against the government. There is proof enough to shew you, that Mr. Hardy did mean that a Convention should be called. I do not dispute it. But the question for you will be, Whether Mr. Hardy, the individual standing at your bar, did in his mind intend that this Convention should act with force of arms against the government? Now I wish it was within the scale of my abilities to have separated the evidence, and lay distinctly before you what the evidence that applies to Mr. Hardy on this point is. I admit, that his case is such that it requires it. It ought to be done by his Counsel. And I have but one excuse, which is within the reach of my abilities

abilities---the utter impossibility of separating the evidence, though I had the accidental opportunity of the leisure of Sunday, in which I endeavoured to do it; yet not having copies of one half of the papers, I wasted a great portion of time in that endeavour, but found it was absolutely impossible. Therefore, I am not able to do it, and therefore I cannot do it now to you. I must trust to your recollection, the notes you have taken, and the accuracy of his Lordship, when he sums up, to state to you how much of this evidence affects Mr. Hardy. But, in my apprehension, none of it affects Mr. Hardy to shew, that in his mind there resided that desire of carrying the object of a parliamentary reform by force.

Gentlemen, you observe, that in the former part of my argument I was contending there was no such design, and if there was, there is no colour of fixing any thing, as it seems to me, upon Mr. Hardy personally.

Gentlemen, it is in evidence to you, that Mr. Hardy has never been without a spy at his elbow for the last two years, from the year 1792 till the time he was apprehended. He has never been present at any meeting, never been at any assembly of friends, at which there was not present some person that has brought to the ears of government every thing that was said by those persons. Is it not singular then, that with the dispositions those men had to produce a reform, which I admit they had, not one single expression is proved to have passed from the mouth of Mr. Hardy shewing disrespect either to the King or to the Lords? But I would not rely much upon that. Is it not also singular, that there is not even a word, an hasty expression, not even an accidental word, ever fallen from him to shew that it was ever in his contemplation to use force for any purpose? And is it possible to conceive, if it ever was in his mind to carry the projects of that Convention into execution by force, but what some expressions of this sort, watched as he has been, some unguarded word, at some time or other, should have fallen from him, indicating, that he did entertain such an intent?

Gentlemen, you have another question to try---Whether, if there was any such plot, which we deny, the object of Mr. Hardy was to do such a thing? You are trying the act of Mr. Hardy's mind---you are trying, whether he, meaning to have this consulting and conspiring to call this Convention, whether it was the object of his mind, that that Convention, when called, should act by force? No matter who else intended it. You do not find it was the intention of Mr. Hardy---you cannot find Mr. Hardy guilty; and if there was such an intention in Mr. Hardy, I do think it utterly impossible, that going into the history of his life for two years, going into every part of it, spies attending upon all occasions, with their ears open, it is impossible that some unguarded expression should not have fallen from him,
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shewing that it was his intention; but no such expression has fallen from him, nothing from which it can be presumed he entertained such an opinion. Is that according to the common actions of men? Does the history of the human race furnish you with a single instance of a man having a certain plan in his mind for two years together, meeting with persons with whom he is supposed to be associating for the purpose of carrying this plan into execution, talking with them upon the circumstances that would lead to it, supposing himself not to have been watched, and for two years talking with men in whom he may repose the most certain confidence? Do you find any instance in the history of human nature, that any man, the most artful and arch, through the whole course of two years, never has in confidence dropped an expression that went to shew the plan that was so lurking in the heart? Does the history of human nature furnish such an existence? and if it does not, your justice, your humanity, your good nature, would lead you to say, that it does not exist for the first time in the unfortunate man at the bar. You are trying the act of his mind---you are trying whether it was his intention to compass this thing by force. If he never has suffered to escape from his lips an expression of this kind; if all he has said for two years has been communicated to government; if he has supposed himself to be in the company of his friends, when he was in the company of spies---it is too hard, surely, to say, that all that time he entertained an idea of which he never dropped a syllable even to those with whom he is supposed to conspire. Gentlemen, it is too much for human credulity, to suppose that not a single expression would have escaped him.

Gentlemen, if Mr. Hardy were a man of profligate manners, a dissipated life---if he was likely, from the tenor of his conduct, to rush into a plan of this sort---if you could presume, from the tenor of his life, he was disposed to pursue violent objects by violent means, there might be something in this case. But you have heard such a character---the first time I ever heard so universal and complete a good character, given by so many persons, in his situation, in my life. All sorts of persons have been called---his neighbours, his friends, those whom he lived in intimacy with, those of his own business, some his countrymen, and some not, and all of them concur in saying he is a man of a most amiable and respectable disposition---a man of the most peaceful mind---a man, the last in the world they should think capable of entertaining such a project as has now been imputed to him. The minister whom he attended has been called; he not only tells you that Mr. Hardy's conduct has been exemplary, that his manners have been amiable, but he tells you, that in his conversation with him upon politics he endeavoured to draw from him what was his object---what were the means by which the

the end was intended to be brought about. He said that he informed him, that his object was a parliamentary reform, upon the plan of the Duke of Richmond, and that they intended to bring it about by every means that were peaceable. Add to that, those witnesses which we have called to his character were not all men of his way of thinking in politics; some of them different. I believe that was in evidence; if it was not, I know it to be so; some knowing him twenty years: his master whom he served---all concurred in saying, that during the time they have known him, a better character never belonged to man.

Gentlemen, this is a case in which a peaceable character ought, above all others, to weigh, because this is a case in which you are trying an act of the prisoner's mind. You are trying whether he had conspired with others to pull down this government by force; whether he was capable of taking a knife in his hand and stabbing the government of the country; and if you find any thing short of that, that he meant to attack the government by means of this Convention, then surely this character ought to weigh; surely a man of such peaceable manners ought not to be easily presumed capable of being guilty of such an act; and when you add to that, that diligent search which they have made for two years---that most diligent search which no man could be aware of, when they were acquainted with every thought of his mind that has found expression by his tongue; it is not too much to ask you to suppose, that whatever others might have thought of this subject, that he had not those views that are imputed to him---that he meant to subvert the government of the country.

Gentlemen, let me remind you again of what the points are. What is the question you have to try? It is, Whether Mr. Hardy, at the time he entered into this resolution for the purpose of calling this Convention, did himself personally mean that the Convention being called, should act by force of arms against the government of the country? That is the act you have to try. Mr. Hardy's life has been sifted, and through the whole course of his life, it does not appear that a single expression has ever fallen from him by which it can be collected that he meant to use force. If he did not mean to use force, he must be acquitted of any charge as imputed to him by this indictment. That he has not, the evidence goes fully in proof of; and therefore, I trust in God, you will give your verdict of acquittal for the prisoner.

Lord President. Mr. Hardy, the Counsel that you have had assigned to you, at your own request, have hitherto conducted your defence, examined your witnesses, and each of them addressed themselves to the Jury on your behalf: you are also at full liberty to speak for yourself, if you wish to do so; and if you do, this is the proper time for you to be heard.

Mr. Hardy. My Lord, I am perfectly satisfied with the defence my Counsel have made for me; and I apprehend there is no need of my saying any more.

Lord President. And you don't wish to add any thing?

Mr. Hardy. No, my Lord.

R E P L Y

OF

SIR JOHN MITFORD,

SOLICITOR GENERAL.

May it please your Lordships---Gentlemen of the Jury,

THE defence being now closed, it is my duty to address you, Gentlemen, in reply to what has fallen from the learned Counsel, and for the purpose of summing up to you the evidence you have heard.

You have, no doubt, Gentlemen, been impressed with a very able and powerful speech, which my learned friend who spoke last delivered to you. And I am happy in congratulating myself, and the profession, upon the exertion of ability which has been made; I think equal, if not beyond any thing I ever heard. The prisoner, I am sure, has been most ably defended by two very able Counsel; and if, having had such assistance, his defence is unequal to his purpose, it is because his guilt is manifest---it it must be from the clearness of the proof, and not because full justice has not been done to him. I must confess, however, that with respect to one thing which fell from one of my learned friends, the leading Counsel, I did feel great surprize; and the more so, as he has repeated it in the course of what he said, when he talked of the policy of a verdict.

Gentlemen, I have been taught, that a Jury of Englishmen, sworn to decide upon the life of a fellow citizen, are to decide only according to the truth of the case that is made out in evidence before them, without turning aside to the right hand or to the left, keeping perpetually the direct path before them, and attending only to the evidence, the law as it affects that evidence, and the conclusion they ought to draw---without considering, either on one side or other, any political circumstances whatever. And much should we have to lament, if political circumstances, or any circumstances beyond the particular case before the Jury, should, in any degree, weigh down the cause. Trial by Jury is the great safety of the state itself, and of every individual. If we suffer it to be perverted, either one way or the other, we run the danger of removing from the constitution of our government, the great controul which the people of this country have reserved in their own hands over that constitution---that controul, which prevented the tyranny of a Cromwell from extending to

such a degree as it otherwise might have done ; which first shook James II. upon his throne, and at all times has preserved, and will be found equal in all times to preserve, the rights and liberties of the Subject, as well as the safety of the Crown. In common cases, in ordinary criminal cases, unquestionably beyond the particular case, and beyond the mischief that may arise from crimes going unpunished, whatever way a verdict may be given, no great inconvenience can arise ; but on a case which as greatly affects the state as a charge of high treason, unquestionably the safety of the state itself may be involved in it. But it is your duty equally to discard that observation from your mind. You are simply to give your verdict upon that which in your conscience you shall believe to be the truth of the case, as made out by evidence, and to wholly discard every other consideration besides.

Gentlemen, in following my learned friends who have appeared as Counsel for the prisoner, I have a considerable difficulty---a difficulty which, perhaps, in some degree, the case imposes upon me ; but I think thus far I see clearly---that they have not attempted to dispute any one important fact in the evidence ; I mean not the truth of any one important fact, but that, as far as I have been able to judge, the truth of every important fact stands in effect admitted upon the defence which the prisoner's Counsel have made for him. They have endeavoured to qualify, they have endeavoured to throw some obloquy upon particular witnesses ; but I think you will observe that, upon the whole, every attempt of that sort, perhaps in some respects just and well founded, every attempt of that sort, has failed in shaking the strong points of the case ; and that, on the contrary, my learned friends, with great degree of judgement, have forbore to touch upon some of the strong points of the case at all. I would also observe, that the facts stated by the witnesses who have given parole testimony, are facts of which great numbers have testified, and which might have been contradicted by greater numbers if they had not been truly stated by the witnesses ; and therefore you have the strongest ground to presume that it was impossible, by the production of any witnesses against them, to touch those facts. With respect to one of them, which I observe was very particularly noticed by Mr. Gibbs, I mean what passed on the 2d of May, and where he supposed there might be a considerable degree of difficulty in finding out what questions to ask the witness, I believe there are at this moment several gentlemen in Court, and an officer of the Court, who was present, and sat next to Mr. Horne Tooke upon that occasion, and who therefore could have contradicted any thing said by Groves, if he had said any thing untrue on that occasion.

Gentlemen, with respect to some things that have been urged by my learned friend, I really have thought that it was intended

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as a defence for the Duke of Richmond, and others, rather than to defend the prisoner at the bar. But however, all these considerations, it appears to me, ought to be thrown entirely out of the case. You are merely to decide upon the evidence before you, and on that evidence as it applies to the prisoner.

Gentlemen, seeing therefore that my learned friends have not been able materially to shake any of the important facts of the case, I shall very shortly take a view of the law of the case, and consider it with reference to what appears to me to be the striking and leading facts of the case: but I beg leave first to observe, as the meaning and intention of acts imputed to the prisoner are more a question than the facts themselves, it may be important a little to attend to the evidence, as it imputes that meaning and intent to him in common with a great number of other people. It did not enter into the mind of the Attorney General when he opened this case to you, to impute to the great mass of people concerned in these transactions any such meaning or intent as he imputes to the prisoner at the bar; he conceived on the contrary. The proceedings, generally speaking, were a system of fraud and deception---always professing one thing, and really meaning another---confining this to a few persons who were the directors and leaders of the whole, and had the whole business in effect under their management. If this was matter of doubt with us before the cause was opened, we can have no doubt of it now; I mean, it is impossible for us to doubt that, in a degree, at least this is the case; it is impossible for us to doubt that there was great secrecy in the conduct of parts of the transaction; that a few transacted the whole, and the rest blindly submitted to whatever they ordained.

Gentlemen, the whole cross-examination of the Sheffield witnesses, and the whole original examination of the witnesses for the prisoner, and their cross-examination, seem to me to shew that the great majority of the persons engaged in this business have been persons who thus implicitly gave up their judgement to those who were their leaders. You will recollect, Gentlemen, the manner in which Broomhead described it: they listened to their great orators, as to their guides and directors; they had not the vanity to think they could form a proper plan of proceeding, and therefore, as Broomhead says, passed resolutions, as a compliment to those who drew them up, leaving it to those persons, as men of knowledge; and having confidence in them, some of them appear with perfect inattention, merely to have done as others did. Dowling said, that when the speeches and resolutions were read at Chalk Farm, he was at such a distance he could not hear what was said, and he gave his vote in consequence of seeing the rest vote. Some of them describe themselves as being totally inattentive. You will remember Archibald Hunter, a perfumer and hair-dresser, who had forgotten what trade he was
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before he lived on his means. That man stated, that he heard the resolutions at Chalk Farm and the Globe Tavern read, but he could not recapitulate one. He did not vote, he took no part, and that from that inattention that pervades his whole conduct.

Gentlemen, I can easily see, that many other persons were as inattentive as this man was, who engaged, as he did, in such societies as these. It is material there should be such men; and as it is material in such societies as these, it is more material that there should be persons who take on themselves to lead such men, and decide for them upon acts which are of the greatest importance to themselves and to the country; for inattentive men like these might be led to the most violent measures, without the least judging for themselves upon the subject.

Gentlemen, almost every one of the witnesses who were produced on the part of the prisoner are from the London Corresponding Society, for I believe only one of them came from the Constitutional Society: almost every one of the witnesses for the prisoner have been of this description, and the only one of the Constitutional Society was a member of both---that was Mr. Willis, the dancing-master; he said he was very little acquainted with their proceedings; he never looked at their books, though it does appear that the books always laid on the table; he never heard of a Committee of Correspondence, or the Secret Committee, till he read it in the newspapers, though it was clearly proved that every thing was transacted by that committee. And upon the whole, I think, that with respect to that gentleman, you must be persuaded he was not a man they could have sought as a member to either society, from any other motive than that he appeared very willing to part with his money, and probably in better circumstances than most of them were.

And, Gentlemen, the producing to you witnesses of this kind are extremely strong circumstances; because if they had meant that the transactions of the London Corresponding Society should be openly examined, if they had thought the transactions of that society could bear the face of open day, why would not they have brought the acting managers of the society? Would not they have brought those who had been constantly delegates, who had been in the committee, except those against whom their accusations are made? But not one of them is called, not one man of that description is now brought forward, not even one man who regularly and constantly attended the London Corresponding Society; and I believe most of them had not attended for a considerable time before the prisoner was taken up, so that all the recent transactions they were totally unacquainted with. Dowling and Hunter were the only persons present that could give any account of the recent transactions, and they could give no account of them---Hunter from his inattention, and Dowling did not indeed allow that he had been present any where, except-

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ing at the meeting of Chalk Farm, where he could not hear a word. There were among them some gentlemen, however, of more discernment, better observation, and more understanding, and this will apply, for instance, to one of the Sheffield witnesses of the name of Widdison; and I think you will be clear from his evidence. You will remember the situation of this man; for I must beg leave to deny the assertion that was made by the Counsel for the prisoner, that you are to give great credit to every thing that a witness says. The Jury are to consider his credit according to the bias upon his mind, and he must be judged of by his bias. If he is biased by prejudice, you are to consider that prejudice. You are to weigh it, to perceive how it affects his testimony, for the most honest man will be misled by that kind of bias: and when you hear men giving their evidence, and perceive, from the terms that they use, that they have a bias on their minds, you are to try which way that bias lies, and accordingly give the degree of credit to their testimony.

Gentlemen, Widdison says that, which must make you believe he had seen through the veil that covered these proceedings; for he states, that he saw Mr. Yorke some weeks before he left Sheffield; that he had a conversation with him about universal suffrage, and he thought it would be going too far, and said he would have nothing more to do with it. Now, Gentlemen, what could have made this alteration or impression upon the mind of Widdison, if Widdison had not perceived, as the matter developed itself, that things came out that he did not see before; that as he saw further into the business, he saw danger in it, and he would have nothing more to do with it?

Gentlemen, you will recollect, Widdison was one of the Sheffield committee, and, though he was one of that committee, yet he never saw Davison's letter about the pikes. Now that is an extremely striking circumstance, because it shews, that those who had the management of the business at Sheffield began to find out that Widdison did see a little into the business, and therefore that important letter was not shewn to him. And I think you will likewise see, that Broomhead began to have a few scruples upon the business, by the nature of his evidence. He knew nothing of the letter, originally directing that Hardy should send orders for the pikes to Broomhead, whose name is scratched out, and Moody's put in the room of it, who suffered his name to be put to it without any consideration whatever of the consequences; and Broomhead's name being struck out, shews that he was not likely to be led any longer by them.

Gentlemen, it strikes me, and I think when I come to examine it a little more, it will not be difficult to discover, that the whole affair of the pikes at Sheffield was an imposition on the minds of the people; for an alarm was spread, that the aristocrats were going to arm against them, and disperse their meeting; and then

then they are told by Mr. Yorke, Mr. Gales, and Mr. Davison; (for those are the three, and you will recollect that Mr. Gales has absconded, and so has Mr. Davison,) they tell them, it is lawful to have arms, and they are entitled to it for their defence by the Bill of Rights; that this aristocratic party would certainly attack them, and therefore they ought all of them to provide arms. It is clear---it is impossible to attend to the evidence without seeing, that they were afraid of some attack on themselves; and that, under that impression, they had provided these pikes. Why, such men as Broomhead and Gales, and men of that description, were easily brought into it, though Widdison told you he would have nothing to do with it. And you will likewise recollect, that Mr. Broomhead told you, there were expressions of Mr. Yorke that were improper, because he felt pain when they were used.

Now, Gentlemen, these men are men of that sort of description, that it required that they should be alarmed to a certain degree, to induce them to arm themselves under the pretence of defending themselves; but when they were once armed, if they had the arms in their hands, they might use them as well offensively as defensively; and that the persons must well know who had the direction of this business, for these persons were not men of inferior understandings. Mr. Yorke has been described as a person of very superior understanding: he well knew, that if these persons apprehended any injury to themselves, that the application to a magistrate would have defended them from those insults. It never occurred to him to say to them, If particular persons are offensive to you, if you are insulted, fly to a magistrate, state it to him, and take care that you are protected---No; he rather chose to make use of the terror that had been impressed on their minds from what had past. I can easily conceive, that a violent party, calling themselves the Church and King Party, may act very improper; but use is made of this to induce these men to entertain the idea of arming themselves in their own defence, and that being once obtained, it is not easy to conceive to what an extent it might have gone; so that the plan settled was, that they could have ten thousand pikes forged in Sheffield in one day. All then that was wanted was, to have the plan settled, and a few to have the pikes, that they might know what sort of things to order; and from the price, which was very cheap, and the other little circumstance of arranging the length of the pole; in a very few days, a pretty large body might have been armed at Sheffield; and a body, so armed, might have acted, as Mr. Yorke seemed very well disposed to do---namely, that rather than be trampled upon in the way in which they were trampled upon, he would march to London at the head of them, where ten thousand men might,
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with pikes, have transacted that business which has not been the most agreeable to humanity in Paris and its neighbourhood.

Gentlemen, in consequence of this train of fraud, deceit, and credulity, you will find that motions were made for the purpose of being negatived, as was plainly proved on the transactions of Sheffield; as was the motion for petitioning Parliament, made for the simple and only purpose to be rejected, and be the subject of further procedure. Why, Gentlemen, do men mean to act fairly and honestly who act in that way? And did the body of the people know that that was contrived? The evidence has distinctly shewn to you that they did not: it was done for the purpose of being rejected. Did the rest of the country know that that had been the contrivance when it was published what publicly past? Was not that holding out to the world that that was a fair *bona fide* proceeding? For, in fact, no such discussion ever took place: it was determined before hand; it was made for the purpose of being rejected---and, being rejected, certain other proceedings were then thought of to follow it. I think it is almost proved, that the proceedings of the society at Sheffield were printed before they were actually held, or at least, according to the account that Broomhead gave, as near to the time as possible; but you will recollect, with respect to the proceedings at the Globe Tavern, on the 20th of January, they were printed on the 18th, though this meeting was not held till the 20th; so you see that this was all contrived from beginning to end, and being so contrived, were put into the hands of a printer, and, but for the prisoner happening to come in the way, they would have been distributed before the meeting had been held; for the printer carried them, and he was ordered to take them back, except a few which were given to a few confidential friends: you will also recollect, that the proceedings at Chalk Farm appear very early, though it does not really appear that they were printed before hand: they must have been pretty well arranged before they actually took place. It seems to me therefore, Gentlemen, that a system has been pursued which absolves a great majority of the persons engaged, although very blameable in many transactions they have done, yet it absolves them from a great part of the highly criminal charge which is imputed to the prisoner at the bar. They acted carelessly, they acted incautiously, they gave themselves up to leaders; but they acted without any very distinct views of what they were doing; they acted under false impressions; many of them acted from inattention, and voted because they saw others vote.

One of the witnesses from Sheffield, I recollect, examined on the part of the Crown, said, his object was to have things as they were in 1688; that glorious event, as he called it.

Now, Gentlemen, let me call to your mind what changes have been made in the House of Commons since the year 1688.

What has passed there except the triennial bill? and the septennial act has since followed:---that is the only alteration, except the removal of certain persons from offices under government, and excluding from the right of voting men under the influence of the Crown; so that the alteration in the House of Commons since 1688 has been rather more advantageous than it was to the people, and less advantageous to the Crown, rather than making it less advantageous to the people; and therefore a man who had been taught to believe that having the House of Commons restored as at the glorious Revolution of 1688, was imposed upon. It was impossible that a thing could have been stated so as to make them fairly comprehend: he was a man led into that idea, the consequences of which he could not fairly comprehend. And, Gentlemen, I think, if you look into the proceedings, that this was not the only man deceived upon this subject; I think I remember another man, who said he was for restoring the constitution as in 1688.

Gentlemen, the great majority are thus absolved from the high guilt imputable to the few, who are involved in a guilt of a more heinous nature, of a deeper die; not only a guilt which arises from the acts they had committed, but from the guilt of having conducted others to be participators in those acts, who did not know what they were about, or who were actually misled, deceived, and imposed upon by those who thus misled them.

Gentlemen, among these few, the evidence has certainly deeply implicated and been brought home to the prisoner at the bar, and he cannot excuse himself as Broomhead, Camage, Williams, Dowling, Hunter, and others have done: he cannot say, he was little acquainted with the proceedings of the society, that he took no part in them, or that he voted resolutions that he never heard; he cannot say, that he never heard of the committee of correspondence, the secret committee, the committee whose very name, I mean the name of the secret committee, shews that danger was understood to be in their measures; and when it is considered, that even the names of these committee-men were finally unknown to the members of this society, with this resolution---that the existing committee should be dissolved, and they should choose another without naming their successors. In consequence of that, a body was created, such as I believe never was suffered to exist in any constituted state; for when this business first came within my notice, I looked into the history of governments, of which the republic of Venice is the most extraordinary, and they have no profession among them so tyrannical in its nature as this committee of secrecy, the very names of which were unknown, that tends to the danger of the steps taken by this society, considering it as a state within itself, at circumstance. A state within within

within a great state is always a dangerous thing; so considering this London Corresponding Society, which is a little state within itself---this London Corresponding Society was given up to the most despotic dominion that ever existed over men: that extended over their minds to a degree beyond all example, beyond every thing that was ever heard of; for they were led to whatever measures those secret committee-men, whose names they did not know, might think proper to adopt, and that on the grounds on which the rest of the society had no opportunity of observing.

Gentlemen, the very existence of that committee was not only in itself dangerous to blind their followers, and to draw them to the brink of every thing that is terrible before they knew where they were; but it shews that the dispositions and intentions of those who framed it---that they were dangerous beyond the possibility of doubt; for how could it enter into the heart of man to conceive, that if these transactions were to be such as they pretended them to be, fair and open, and honest, to remove what they considered to be an abuse, how could they conceive, that for that purpose it was necessary to frame such an institution as that which I have stated to you? Such a proceeding needs no secrecy; it might be fairly and openly avowed, as it has been formerly fairly and openly avowed; for in this country speculative opinions upon government, or any other subject, if they don't immediately tend (by the proceedings taken upon them, the manner in which they are circulated, or other circumstances,) to disturb the quiet of the state, remain untouched; if they do tend to disturb the quiet of the state, unquestionably they are undoubtedly an object of animadversion, for no state can exist if perpetual means are to be taken to disturb the opinions of the public respecting the government of that state; for upon what rests the authority of all governments? Government can only be administered by a few in proportion to the whole body. Nothing can induce to obedience by the many but an opinion that some way or other their good is best consulted by that obedience. Habits of obedience, habits of submission to particular laws, induce submission to the government which we are used to, as we are to the government which the constitution of this country has provided. That habit of submission induces the inhabitants of the country to submit to trifling inconveniences rather than endanger their own particular happiness, by striving to remedy them; but if a society is to be formed with such a secret committee, and in such circumstances as I have stated, it appears to me that no state can be safe in the public opinion, however that government may be originally formed, or however wisely administered: any government may be at once destroyed by such a system. And you will recollect, Gentlemen, that even in the French Revolution, of which we

have heard so much, when the constitution was formed by that National Assembly of France which existed at the close of the year 1791, that assembly did not conceive it possible for a state to exist unless some restraints were imposed upon opinions, when, in their circulation, they aimed at the destruction of the state, and that also of all society; and one of the legacies which they left to their country, which my learned friend the Attorney General stated to you, though it unfortunately was never executed, tended to prevent that sort of operation of clubs by association, affiliation, and delegation, which has ever since that time contributed to disturb that country.

Gentlemen, you will find that in this plan, which I cannot avoid calling a plan of art, dissipation, delusion, and mischief, or whatever higher name may be given to it, the prisoner at the bar must necessarily be privy; for he was the person to whom, in character of secretary, all the papers to the society were to be addressed; and he was the person whose signature was to be affixed to all such papers. And I will call your attention to what that last witness who was called, Mr. Francis, a man of education, said. Mr. Francis considered the prisoner as a man of very good sense. You will recollect, he made use of that expression. You will likewise recollect, that the clergyman whom he attended described him in the same way, as a very sensible man. And it is impossible, if you attend to the circumstances, that you can look upon him to be a man deluded. You will find, Gentlemen, that not only Mr. Hardy was privy to the establishment of this committee, and the manner in which it proceeded, by producing to the society, and to the committee of delegates, after that the society was numerous, letters or parts of letters, or keeping back letters or parts of letters, as they thought proper to do, so that the whole business of the society was in the hands of this small committee of five persons only---but he had also his private correspondence and communications, probably unknown even to the secret committee itself. In the very outset of the London Corresponding Society, in the formation of its constitution, you will recollect, and particularly in the progress of it, a very mysterious correspondence between Mr. Hardy, Mr. Vaughan, and Mr. Horne Tooke---You will recollect the divers corrections that took place in a written paper, in the hand-writing of Mr. Horne Tooke; so that Mr. Horne Tooke, not being a member of the London Corresponding Society, and Mr. Hardy, acted in communication with each other probably, and for any thing that appears, without any communication whatever with the rest of the society. His connection with Mr. Margarot and Mr. Skirving is also mysterious; and it is perfectly plain, he did not communicate to the delegates all that passed between him and Margarot and Skirving: You will recollect, Gentlemen, that the first plan of sending delegates to
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the British Convention at Edinburgh, originated in a correspondence between the prisoner and Skirving, which was expressly communicated only to Margarot, which appears from Mr. Hardy's own letter---It appears also by Mr. Hardy's letter, that Mr. Skirving, on the 5th of October, 1793, that Skirving had written to Mr. Hardy privately about sending these delegates, that Mr. Hardy had communicated it to Mr. Margarot, who wished him to "communicate it' officially to the society without any way mentioning that you have written to me privately." Here was a contrivance to send from this country delegates to that Convention to be assembled at Edinburgh; and by whom is the contrivance? I do not mean to say that the persons that I am going to mention are all that were concerned in it; but these are all the persons whose names appear---Mr. Skirving, Mr. Hardy, and Mr. Margarot. No other persons at all were privy to the original idea; but on the 5th of October, 1793, Mr. Hardy writes to Mr. Skirving, and from that letter it appears, that there had been a private correspondence between him and Mr. Skirving upon that subject; that this had been communicated only to Mr. Margarot, and then they consult on this together, and they deem that it would be proper that an official letter might be written to Mr. Hardy, which he should shew to the society; but if in that letter Mr. Skirving had stated any thing of the correspondence between Mr. Hardy and himself, the committee would have said, What is this private correspondence, we have heard nothing of it before: therefore he writes to him---say not that you have written to me privately. Is it not plain that all this was a transaction between the prisoner, Mr. Skirving, and Mr. Margarot, to send delegates to this Convention? Mr. Skirving sends up a letter in a great hurry, saying, that there was no time to be lost, and Mr. Hardy communicates it to the Constitutional Society: it is to be done in a great hurry; delegates are chosen, and sent down to Edinburgh.

Gentlemen, probably this was a sudden thought, and when I come to investigate the transactions more particularly, you will be of opinion that it was so; but it demonstrates this, that the prisoner was privy to all the transactions, and particularly implicated in this part.

Gentlemen, if you advert to the correspondence which took place after Mr. Margarot and Mr. Gerard went down, you will see that the correspondence between them became partly private, and partly public, of an official nature. There is one of the letters of March, 1793, says, "You may consider this as a private letter, but you may read such parts of it as you may think proper to any member of the society, especially where it may be productive of good." This is a letter which shews that Mr. Margarot had a perfect confidence in the prisoner; that he left it

to his discretion to produce to the rest of the society such parts of this letter as he should think proper to communicate.

There are several other letters with which I will not trouble you now; in which it appears, this sort of secret communication was kept up: and on the 17th of April, 1794, there is one in which Mr. Margarot expressly tells Mr. Hardy, "Shew this to nobody." Under all these circumstances, it seems to me, that it is impossible that the prisoner Hardy should be ranked either among the inattentive or among the ignorant---he cannot be ranked among this number, he led the society, and was the most active member there.

Gentlemen, considering him in this light, and conceiving, therefore, that the evidence presses as strongly against him as any other man, I shall endeavour to investigate, first of all, the law, and then consider how the law applies to facts.

Gentlemen, the indictment (and I shall go pretty much at large upon this subject, in consequence of the learned Gentleman who led the defence for the prisoner, and the Gentleman who followed him likewise, having pressed very much upon it---the indictment) is framed upon the statute of the 25th of Edw. III. upon which you have heard a great deal. The prisoner is charged with high treason, in compassing the death of the King; and you have been told, that the law makes the mere compassing, followed by any thing done in pursuance of that intent, amount to the crime of high treason; and therefore the indictment states various acts to have been done by the prisoner, in pursuance of the alledged intent. The first of these is a conspiracy to procure a Convention to be assembled to subvert the constitution and depose the King, with all the consequences that have been stated. Evidence has been given of various letters which I have to contend prove this fact, and evidence of the several facts which are charged in the indictment as overt acts---such as composing and publishing books and various papers by way of incitement to send delegates to such a Convention, and consulting and agreeing to form a committee for the purpose of calling the Convention.---There is another, the procuring of arms, with intention of opposing the King in the execution of his office.---There is another charge, a conspiracy to levy war.---Another charge is, a conspiracy to overturn the government, and depose the King: and many others of the same nature, intended to meet every possible case that might arise out of the evidence that is laid before you. And it is for you to judge from the evidence, whether there is fairly to be collected that the prisoner at the bar, and other persons, had formed any design which has rendered their minds guilty to bring them within the treason law, and that he had manifested it so as to bring him within the penalty of that statute; and whether the facts have been proved as
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the law required; and whether you give credit to the evidence.

With respect to the formality of the evidence, as no objection has been taken to it, I shall not trouble you to enter in detail upon that subject, which otherwise it might have been proper for me to do. And, I conceive, that the only subject with respect to the fact upon which you can have any doubt, is, how far you are to give credit to the evidence, and how far that evidence, if credited, gives sufficient proof of the charge which is contained in the indictment.

Gentlemen, with respect to the question of law in the construction of this statute of the 25th of Edward III. I venture to lay it down to you, as clear law, that forming a design to take any measures, in pursuing which the King's life may be in danger, and taking any steps towards that design, brings the man who forms that design, and takes those steps, within the statute; and it is perfectly immaterial whether the ends proposed and measures so taken were or not equal to the purpose: it is sufficient if the intent is conceived and steps taken in pursuance of that intent.

Gentlemen, before the statute of the 25th of Edward III. as has been repeatedly stated to you, there was considerable uncertainty in the law of treason; many acts were deemed treason, which were certainly merely contempt of the King's authority; and, in consequence of that, the legislature of the 25th of Edward III. were called upon to define treasons.

Now, Gentlemen, in doing this, the legislature must be considered, if we consider the persons who made that law, to have had that sense and discretion which ordinarily belongs to men in that situation; and they have generally been considered as men possessed of abundant discretion. Indeed it is a general observation upon the particular transactions of the reign of Edward, with respect to the law proceedings, that they were clear, plain, unembarrassed, and evidently the work of very superior men: and it must necessarily have occurred to them, that it was proper for the legislature to consider, when they were making a law of treason, what was the necessity of providing law of treasons, as a distinct code. The necessity for that is clear and plain. An association of power, which forms a state, must have some forms of association, some forms of government, by which the whole body must be submitted to some power. That power is differently constituted in different governments: but in every government it must of necessity be sovereign, whatever that power is---it must act for the whole body---it must represent the whole body; and the act of that sovereign power must, in the government of that state, be taken to be the will of the whole.

Gentlemen, a state cannot exist without a sovereign power. It is the great bond which binds the whole, and makes it really a
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state. Because, without such a power to controul as well as direct the actions of all the individuals in the state, they never could act as one body, in giving to the whole body the unity that belongs to one person.

Gentlemen, the consequence of that is, that any attempt to destroy the constitution of the power so once constituted, is an attempt to destroy the very terms of the association on which the state is formed, and, consequently, to subvert the state itself. For it is an essential part of the agreement or compact, upon which the people are united together in one association, each with the other; and each individual, and all the individuals, with the whole and with every part.

Gentlemen, any person, therefore, who is subject to the sovereign power of a state, so constituted, it is his duty to the utmost, as much as lies in his power, to support that power as the necessary bond of the whole state; and his acting contrary to that duty, is a treachery to the state itself, which is, I think, the real derivation of the word treason.

Gentlemen, the true foundation, therefore, of the law of treason, as a distinct code, is the necessity of providing for the safety of the state itself, in the constitution of its sovereign power. It has become, therefore, necessary in all countries, to make a distinction between those acts which put in hazard the sovereign power of the state, and those which, though contrary to the provisions of the law, are merely contempt of the Sovereign, to whom the framing and execution of the law is trusted, and which do not immediately put in hazard the sovereign power itself; or if they do in some degree affect the safety of the state, are not so dangerous as to render necessary the extreme coercion of the law of treason; as in the case of libels and other things, which were never in any country considered as of that description standing alone. When, therefore, the legislature in the 25th of Edward III. were called upon to define the law of treason, it was necessary to consider what was that treachery to the state which should be fixed by the law as the crime of high treason; for you will recollect, the crime of treason was a crime known to the law previous to the 25th of Edward III. and its punishments defined. The defect in the law was this:---the crime itself was not so clearly defined as the safety of the subject required, and therefore the law was made for the safety of the subject; and that as to those acts, which were not of so great a degree of danger to the state, the punishments should not be so severe.

Gentlemen, in the execution of the duty which the legislature were called upon to execute, they declare, that the pains and penalties of high treason should attach upon those found guilty of adhering to the King's enemies, counterfeiting the great seal, killing the Chancellors and certain other officers in their places, and doing their offices; and at the head of this definition

definition is compassing and imagining the death of the King, such imagination or purpose of the mind being manifested by some overt act.---That is the language held in our law.

Gentlemen, upon the construction of this law, I must confess, that hitherto no sort of doubt had occurred to my mind. It has been attempted by the Counsel for the prisoner to raise a doubt about it, and particularly by the learned Gentleman who was leading Counsel for the prisoner. It seemed to me, and, notwithstanding the explanation he thought proper to give, it still seems to me, that in so doing he contradicted that assertion which I conceive he made in the character of advocate in Lord George Gordon's case, as found in the printed copy of that trial---That the plain unextended letter of this act was thought to be a sufficient protection to the person and honour of the Sovereign, and an adequate protection to the laws committed to his care; not only to the security of the King's natural person, but to the stability of the government, at the head of which he is placed. And there I make use of the learned Gentleman's own words; and I am perfectly sure, when I do make use of his words, I cannot make use of better. What does this mean? Can it mean any thing but this:---that a conspiracy against the life of the Prince, is a conspiracy against the constitution of the state; and a conspiracy against the constitution of the state is a conspiracy against the life of the Prince; because the life of the Prince is so interwoven with the state, that a conspiracy against the constitution is a conspiracy against the life of the Prince; that one put in danger the other must be also in danger: but the security of the state is the principal object.

Gentlemen, it is not with a view to any particular person of that title, although, certainly, he ought to be treated with great reverence and respect, whosoever may be upon the throne of the country; but it is because he is King. But, Gentlemen, can it be supposed, that when the legislature was making a law upon this subject, for the express purpose of defining those crimes which should be deemed treason, they should have overlooked that sort of provision that was necessary for the preservation of the state itself, and that it should so have remained till this day, and that it should be necessary at this day, in the language of my learned friend, to resort to Parliament for an act to be made upon the subject.

Gentlemen, if there had really existed this defect in the law, from the 25th of Edward III. till this time, it is wonderful that, before now, that defect should not have been supplied; but it is clear and plain that it never has yet been understood that there did exist a defect. It has always been understood that it did sufficiently protect the state in all times, and all ages, and therefore the legislature never thought of making any further provision on the subject.

Gentlemen, when it is considered what is the nature of the government in this country, there cannot be a doubt upon the subject, for, in truth, the person of the King in name is the state itself, for all the powers of the state, the legislative and executive, are nominally in him; not really, because the King makes no laws, but by the advice and with the assent of the Lords and Commons in Parliament: he can execute no laws but by his judges and other ministers of justice, according to a formed and regular establishment: he really does nothing, and yet nominally does every thing. The consequence of that is, that he is to all intents and purposes the sole representative of the people, and in his name every act is done; therefore, when the security of his person was provided for, and the principle established that his person was so interwoven with the state itself, that they could not be separated, it necessarily follows, that the security of the constitution of the state was provided for in the protection of his person, and the state could not be attacked without an attack upon the person of the King. Gentlemen, it is impossible, therefore, as it seems to me, to doubt this doctrine, that any attempt to subvert the constitution, or the sovereign power of the King, in this country, is an attempt to depose the King from that character which he holds in the constitution or the sovereign power, as by law established; and it has been constantly held, since the passing of the statute of Edward III. that every attempt against the King, is a deposing him; and compassing the death of the King has been held as taking from him his sovereignty, whether it is to put another in his place, or the destroying of the monarchy itself, or merely taking away the monarchy for a time; consequently the conspiracy to make such an attempt has always been held to be treason.---Gentlemen, I cannot doubt of these principles; and if it should be necessary, my Lord and all the Judges upon the Bench will confirm what I say. I confess I should be astonished to hear them doubted, if, in the present age, I could be astonished at any thing; but it is the temper of the times to hold out that every thing that has been revered for ages, is no longer so, and that, upon every new subject, new lights are to break in upon us, and that man is to become a new creature, no longer to be governed by the wisdom of former times, but to be governed entirely by the wisdom of his own conceit.

Gentlemen, when my learned friend argued this point, he appeared to me to be struggling with authority; he did not know how to manage, and professing to be bound by these authorities: he pretty broadly intimated an inclination to put them all aside; you must recollect, however, that he does this not simply in contradiction to the decision of Courts of Justice, but in contradiction to the decision of Parliament itself, and to the decision of Parliament as sitting in its judicial capacity upon impeachments.

ments. The ground upon which my learned friend has attempted to put this is, on the intent, being the gist of the crime, and that when a man does an act in fulfilment of an intention, he must first have conceived that intention.

Now, Gentlemen, if by that it is meant that he must have formed the distinct and clear purpose to do the particular act, nothing possibly can be more miserably mistaken, and not only in the case of high treason, but in every other case whatever. If a man shoots at A, with an intent to kill him, and kills B, he has no intention to kill B, yet he is guilty of malice aforethought as against B; or if he lays poison for A, and B takes it, and so on, it is perfectly plain, that on distinct, clear thought, the act would have in its end all the consequences attached to it, and in that it has sufficient to constitute his guilt.

Gentlemen, in commenting upon the statute of the 25 Edward, my learned friend cited Lord Hale, and particularly in several passages, which I shall state to you. In page 80, of Hale's Pleas of the Crown, the first that he cited, he says, "Accroaching of Royal power was a usual charge of high treason anciently, though a very uncertain one, that no man could well tell what it was, nor what defence to make to it." And in page 82, he says, "That before the statute 25 Edward III. every offence that was, or seemed to be a breach of the faith and allegiance due to the King, was by construction and consequence and interpretation, raised into the offence of high treason."

Now, for what purpose these passages were cited by my learned friend, I am at a loss to guess; they seem to me to shew, as clearly as possible, and I think they were considered by my Lord Hale what was the true intent of that statute of the 25 of Edward III. and that is, that such acts as do not tend in their consequence to endanger the life of the King, although they might be deemed in some degree as accroaching of royal power, and almost every offence that seemed to be a breach of the faith and allegiance due to the King, are not high treason, and which are the two articles which my Lord Hale says, were before that statute raised into treason; the object of the statute then is, that such acts should not be deemed high treason, except---for the statute does make exceptions---for it does make some acts which do not immediately endanger the life of the King, but accroaching of royal power, high treason.

What are those acts? One is levying war within the realm. Now levying war within the realm, by way of resisting the King's authority, in circumstances which had no relation whatever to the destruction of the government, but merely in opposition to his authority in that particular instance. Another act is adhering to the King's enemies, which may not have the most distant intention to touch the person of the King, yet that is high treason: with respect to the other three articles, it is per-

fectly clear these cannot be considered as an intention to depose the King, or endanger his life; these seem to be nothing more than encroachment of royal authority, as counterfeiting the great seal, counterfeiting the coin of the realm, and killing the Chancellor or Judges in their places doing their offices: all these acts might seem to be a breach of faith and allegiance to the King, as counterfeiting the great seal might be called accroaching to royal power; but they could not, in any degree whatever, affect the person of the King; and these three last could not in any degree put the King's life in hazard. The levying war, and adhering to the King's enemies, might or not put the King's life in hazard, according to the circumstances. If war is levied against the King, or a man adheres to the King's enemies under circumstances that cannot affect the life of the King, the person can be indicted only on that part which makes levying war treason; but if he levies war against the person of the King, he may be indicted upon the first clause of the act, of compassing the death of the King, and the levying war should be given in evidence as an overt act of compassing the death of the King.

Gentlemen, in consequence of this, a conspiracy, if the object of it is such as may endanger the life of the King, is unquestionably high treason; as, for instance, a war levied on purpose for deposing the King, or getting the King into the power of the conspirators. And therefore the law has made a distinction, that a conspiracy to levy war, and the case in which it is levied does affect the person of the King, as deposing the King, it is an overt act of compassing his death; but if it is done without an intent to destroy that sovereign power, or to restrain him in the exercise of the sovereign power, then it is not treason within the first branch of the statute.

Gentlemen, another passage cited from my Lord Hale, by my learned friend, was in page 110, from which he speaks, and seems to be directly for the purpose for which I should have stated it:---“ That the conspiring to depose the King, and manifesting the same by some overt act, is an overt act to prove the compassing of the death of the King, within this act of the 25th of Edward III.” And, page 107, he says, “ Compassing or imagining singly of itself is an internal act, and without something to manifest it could not possibly fall under any judicial cognizance; but of God alone; and therefore this statute requires such an overt act as may render the compassing or imagining capable of a trial and sentence by human judicatories.” And then refers to Lord Coke's Institutes, where Lord Coke says, “ As if divers do conspire the death of the King, and the manner how, and thereupon provide weapons, powder, poison, assay harness, send letters, &c. or the like, for the execution of the conspiracy. Also preparation by some overt act to depose the King, or take the King by force and strong hand and to imprison

prison him, until he hath yielded to certain demands; this is a sufficient overt act to prove the compassing and imagination of the death of the King; for this, upon the matter, is to make the King a subject, and to despoil him of his kingly office of royal government. And so it was decided by all the Judges of England, *Hil. 1 Jac. Regis*, in the cause of the Lord Cobham; and in *Hil. 43 Eliz.* in the case of the Earl of Essex." And then he adds, "And so by woeful experience in former times it has fallen out, and in many other cases, particularly in the case of Edward II. Richard II. Henry VI. and Edward V. and other unfortunate Kings who have reigned in this country."

Gentlemen, the same doctrine is also stated by Lord Hale, with reference to the very same cases, so that he, as well as Lord Coke, gave very full approbation to the many authorities who have been of the same mind; and Sir William Blackstone, in his Commentaries upon the Laws of England, considers these points as settled law.

Gentlemen, perhaps nothing tends more clearly to illustrate points of law, especially to persons who are not in the habit of considering points of law in the technical manner in which we are used to consider them---nothing illustrates it better than in the terms of a case which has actually happened. With that view, I will, therefore, state to you the proceedings on the trial of Sir Christopher Blunt and others, for being concerned in that transaction of my Lord Essex, which I think was mentioned by my learned friend Mr. Gibbs.

Gentlemen, upon the arraignment of Sir Christopher Blunt and others, "they confessed it was their design to come to the Queen with so strong a force, that they might not be resisted, and to require of her divers conditions and alterations of government;" that they confess, and they were indicted for compassing the death of the Queen; they confess, that "they required of her divers conditions and alterations of government; nevertheless they intended no personal harm to the Queen herself, and that was the reason why they could not confess the whole indictment, because the indictment charges, that they intended and compassed the death and destruction of the Queen." Having said this, the Lord Chief Justice Popham tells them, "wherever the subject rebelleth, or riseth in a forcible manner to over-rule the royal will and power of the King, the wisdom and foresight of the laws of this land, maketh this construction of his actions, that he intended to deprive the King both of crown and life; for the law judgeth not of the fact by the intent, but of the intent by the fact." To which the Queen's Counsel added this: "This construction is no mystery or quiddity of law, but an infallible conclusion, warranted by reason and experience; for the crown is not a garland or mere outward ornament, but consists of pre-eminence and power; and, therefore, when the subject will take
upon

upon him to give law to the King, and to make the sovereign and commanding power become subject and commanded, such subject layeth hold on the crown, and taketh the sword out of the King's hand. The crown is so fastened on the King's head, that it cannot be pulled off, but head and life will follow; as all examples, both at home and abroad, do manifest. And Lord Essex at his arraignment---" Therefore, when their words profess one thing, and their actions another, they are like the Catalines, in the state of Rome; but admitting that the protestation of the prisoners were fairly true, and they had not any design against the life of the Queen at the time, yet nothing is more mutable than the mind of man, and when they had once taken the measures that they proposed to take, and had got the Queen into their hands, who could promise of what mind they would then be of, and more especially when---" My Lord of Essex, at his arraignment, defended his first action of imprisoning the Privy Counsellors, by pretence that he was forced to it by his unruly company; so that if themselves," that is, Sir Christopher Blunt, and the rest of them, "so that if themselves would not have had, or would not have had, that extreme and devilish wickedness of mind as to lay violent hands on the Queen's sacred person, yet what must be done to satisfy the multitude, and secure their party, must then be the question."--- That is, when they once had taken the measures which they proposed to take, it was not in their power to say, whether they would or not preserve the Queen's life. And here let me draw your attention to something that fell from Broomhead, one of the witnesses in this cause, who, when he was asked, whether there was any intention of using violence or force, he said, no such thing: he disclaimed any idea of it in his mind; but he said, what persons might have done, if any such thing as a Convention had been assembled, I cannot tell. Very justly, very sensibly, and a very proper exposition of the law upon this subject. This was the case of Sir Christopher Blunt, and others: they felt the force of it; they had entered into a deeper consideration of the matter; they were sorry they had given the Court so much trouble, and they confessed the whole of the indictment; and Sir Christopher Blunt says that in his speech at his execution, which shewed the propriety of this conclusion, being drawn as an infallible conclusion, in the strongest and clearest light; for, in his speech on the scaffold, he says---" Although it be true, that (as we all protested in our examinations and arraignments) we never resolved of doing hurt to her Majesty's person, (for in none of our consultations was there set down any such purpose) yet I know, and must confess, if we had failed of our ends, we should (rather than have been disappointed) even have drawn blood from herself." There is the confession of a dying man, that he felt in his last moments; that though he had never formed any

any distinct purpose of doing any injury to the Queen whatever in the transactions in which he had engaged, yet he saw the conclusion to which it inevitably led---namely, that as they could not have submitted to be disappointed of their purpose, rather than be so disappointed, (for their own safety was at stake,) they would have drawn blood even from her self.

Now, it strikes me, that nothing can more clearly demonstrate what is the clear construction of this law, than the narration of the case I have now cited: it shows, that those who have construed the law, have construed it by drawing infallible conclusions, warranted by reason and experience.

The cases that were mentioned by Lord Coke, and by him only---the case of Edward II. of Henry IV. deposing Richard II. are exactly of the same nature; and they show, that the humbleness of the demand, at the beginning of a scheme of this sort, may often lead to the most desperate resolutions; when, as the Queen of Edward II. conspired against her husband, and came over to this country with her infant son, for the purpose of removing evil counsellors from her husband, and that she might administer the government properly. In consequence of that, numbers joined her, and unquestionably treason it was; but what was the result? The moment she had got this power, she got the great seal into her hands; she issued writs for summoning a Parliament in the King's name, without his authority, in his absence: that Parliament met, and when it met, they were in effect (for they were acting without the King's real authority,) of the nature of a Convention---They resolved to depose the King, compelled him to make resignation, and they placed his son upon the Throne in his stead. There was at first no intention in them of touching his life; but those that were deeply involved in this conspiracy knew his life was very inconsistent with their safety, and therefore they contrived, in a very few months, that he should be put to death in the most cruel manner.

Gentlemen, what was the case of Richard II.? Was it not the same thing? And we all know, that Henry IV. when he first landed, had only 26 men---He came relying on the plot in England, and he was just going to Ireland, and then some more joined him. At last they all rose against Richard II.---he was deposed, and put to death; therefore, you are not to imagine, that a direct cogitation, or intention to destroy the King, is necessary to compose the crime of high treason; it is sufficient if the act proposed to be done is that which, according to ordinary experience, leads to the death of the King, or to endanger his life; it is high treason. Why, Gentlemen, of the persons who formed the Constituent Assembly of France, for the purpose of establishing that government, such as is now existing in that country, possibly great numbers had no idea of touching the King's life.

life. We know it was a question extremely agitated amongst them; and there is very strong reason to believe, that the majority of them, if they had been free agents, never would have consented to his death: but the question, after they had deposed him, was, not what they would do, but, as was observed in this case of Sir Christopher Blunt, what must be done, to satisfy the multitude, and secure themselves; and the moment they entered into this business, they were no longer free agents; they could no longer controul their own actions, and the consequence was, in the end, the death of the King. Gentlemen, this doctrine was also laid down with equal clearness in a book cited by my learned friend, and which appears to me to demonstrate the impossibility of putting any other construction upon the statute. The manner in which he states it is this---“The case the law has taken for the personal safety of the King is not confined to actions or attempts of the more flagitious kind, to assassination or poison, or other attempts directly and immediately aiming at his life; it is extended to every thing wilfully and deliberately done, or attempted, whereby his life may be endangered. And, therefore, the entering into measures for deposing or imprisoning him, or to get his person into the power of the conspirators, these offences are overt acts of treason within this branch of the statute. For experience hath shewn, that between the prison and graves of Princes, the distance is very small.”

Gentlemen, this is the language of a man who has generally been considered as extremely strict upon these subjects, Sir Michael Foster, who was well known to many persons now living, and was a man who was considered as little disposed to stretch the law upon that subject as any man that ever sat upon the bench; but he saw and felt that the real meaning of this statute was to provide for the constitution of the state, to provide for the King, he being the head of that constitution; because, in providing for the safety of the King, is also included the safety of the constitution---the crown (in the language of Queen Elizabeth's days) being so fixed on the King's head, that it could not be pulled off, but head and life would follow.

Gentlemen, I therefore have been much at a loss to conceive upon what ground my learned friend observed, that nothing could be compassing the death of the King, under the statute of Edward III. but what would have amounted to compassing the death of any other man under the common law. He attributes this assertion to Sir Michael Foster; but, with submission to him, Sir Michael Foster asserts no such thing; and in the passage he alludes to, he is only speaking of the form of the indictment. And it is perfectly clear, that the case of the King and the case of an individual are in no degree parallel; for at the time when the mere compassing the death of an individual was deemed the crime of homicide, it was never supposed, it never entered into the

the imagination of any man, that removing a man from his office, or imprisoning him, would have been deemed an overt act of compassing his death; but it is of the King. According to Sir Michael Foster, and others, imprisoning the King, and deposing him, are overt acts of compassing his death; because imprisonment, and all those things tend to his death---not with relation to his natural person, but with relation to his political character, because he is King. In the case of a private person you cannot use the word deposition, and imprisonment may have no tendency whatever to his death.

Gentlemen, my learned friend stated another passage from Lord Hale, page 85, with regard to the statute of Richard II. and my learned friend, at the time that he read that passage, I apprehended he had the book in his hand, but he certainly omitted to take from the book the passage which immediately follows, if he had, it could not have left any doubt in your mind. For he says, "These four points of treason seem to be included within the statute of the 25th of Edward III. as to the matter of them, as shall be hereafter shewed; but with these differences, viz. 1. The forfeiture is extended further than it was formerly, namely, to the forfeiture of estates, tails, and uses. 2. Whereas the ancient way of proceeding against commoners was by indictment and trial thereupon by the country, the trial and judgment is here appointed to be in Parliament. 3. But that wherein the principal inconvenience of this act lay, was this, that whereas the statute of the 25th of Edward III. required an overt act to be laid in the indictment and proved in evidence, this act hath no such provision, which left a great latitude and uncertainty in point of treason, and without any open evidence that could fall under human cognizance, subjected men to the great punishment of treason for their very thoughts, which, without an overt act to manifest them, are not triable but by God alone. These were the unhappy effects of the breaking of this great boundary of treason, and letting in of constructive treasons, which, by various vicissitudes and revolutions, mischiefed all parties first and last, and left a great inquietness and unsettledness in the minds of people, and was one of the occasions of the unhappiness of that King." From whence it is perfectly clear, that Lord Hale considered that statute as originally affecting the original law upon the subject, intended to introduce a new and unnecessary mode of trial, and to add some other circumstances, which it was thought proper by a subsequent statute entirely to sweep away---which was done in the first part of the reign of Edward IV. as, in a new reign, any thing that is exceedingly objectionable in the preceding reign is necessarily done away.

Gentlemen, I have stated to you, that the legislature had, both in its legislative and judicial capacity, given precisely the same

determination upon the subject. The statute under which treasons are now principally to be tried, the statute of William and Mary, limits a time for indictments for treason, except those that go to compassing the death of the King, by assaulting his person; so that the framers of that statute have undoubtedly acknowledged, that there were degrees of treasons under the statute of the 25th of Edward III. which were treasons which did not come within the term of assassinations, or such immediate aiming at his death; and in prosecutions which have been carried on in cases of impeachment, as in Lord Lovat's case, and in Lord Wintoun's case, the charge was for compassing the death of the King.

In Lord Wintoun's case, Sir Joseph Jekyl, who was a man generally considered as a constitutional lawyer, and in his time as good a Whig as any man that ever existed, says, a conspiracy to levy war, with an intent to depose the King, is treason; and such a conspiracy to levy such a war had been held to be an overt act of compassing and imagining the death of the King. He then speaks of another overt act alledged, which was "Lord Wintoun's joining with his accomplices in proclaiming the Pretender, which is endeavouring to set up another Prince in the room of his Majesty; and I believe it will not be doubted, but that is likewise an overt act of the same species of treason. And if they want another overt act, the levying war against the King, with intent to depose him, is most surely another overt act of compassing his death; and these points have been supported by many authorities, and many attainders have been on it."

That was declared by Sir Joseph Jekyl, on the behalf of all the Commons of England, in the impeachment of Lord Wintoun, upon which Lord Wintoun was found guilty of high treason; and the King, as the head of the commonwealth, issued his warrant for the execution of Lord Wintoun, upon that decision. You have, therefore, all the three branches of the legislature in their judicial capacity, giving precisely the same construction of the act which I contend for.

Gentlemen, that idea, that if persons had conspired to seize, for instance, King William's person, and send him back to Holland, intending no harm to his person, and expressly declaring so, that that would not have been high treason, appears to me extremely extraordinary; for even in the case of King William's plot, even the case of the assassination plot, it appears that the intention was only to secure the King's person; and in Laver's case it was expressly proved, that the design to seize the King's person, was not for the purpose of killing him, but to protect him from insult. It was the design of the party to seize George I. and proclaim the Pretender, to protect the King's person, and send him back to Hanover.

In Lord Cobham's case, in James I. it is more distinct, for there the conspiracy was to seize the King's person, but not with any view of deposing him, except under the circumstances I shall state, and not for the purpose of injuring his person in any degree whatever, but for the purpose of compelling him to consent to a general toleration of the Roman Catholic religion in the country, and to give his consent to certain acts for that purpose.

Gentlemen, under these circumstances I shall take the law to be perfectly clear, that if the conspiracy is to despoil the King of his kingly office, which is to be exercised as the spirit of the constitution of the country requires, it is a conspiracy to depose the King, and, by all authorities, a conspiracy to compass his death, by the strong reason stated in the case of Sir Christopher Blunt, and, therefore, high treason.

Gentlemen, it has been next insisted, that the nature of the evidence to prove high treason was to be considered as different from that in any other case, from the force of the word provably; and, therefore, it was to be direct and plain. But I conceive it must be in this respect as in all other criminal cases, that there must be two witnesses at the least; two witnesses to one overt act, or one witness to one, and another witness to another overt act of the same species. And, with respect to any other kind of distinction, I can find no authority for it in any case whatever; for if the minds of twelve plain men are not rationally convinced of the guilt of the prisoner, in no case whatever ought they to say so: but if the minds of the Jury are reasonably satisfied, if the evidence will produce reasonable conviction, as in the case of murder, robbery, or any other particular crime, I think the verdict ought to be precisely the same as in any other case.

Gentlemen, another observation that has been raised is, that the evidence has been carried to so great a length. Now I apprehend it is perfectly immaterial whether the evidence is long or short with respect to the end when completed, whether you come to the conclusion by the proof of many circumstances, or by the proof of only one; if the conclusion in your own mind is the result of conviction of the guilt of the person accused, it must be necessarily the same. In cases of treason, in many instances, the evidence has been very extensive, perhaps in no case so very extensive as in this case, which has exceeded all others, except the case of an impeachment---in Lord Strafford's case, where the evidence was extremely extensive, and took up a considerable length of time.

Gentlemen, my Lord Coke, in that book which Mr. Erskine cited, observes, that "The compassing, intent, or imagination of the King's death, in a case of this species of treason, though secret, is to be tried by the Peers, and to be discovered by circumstances precedent, concomitant, and subsequent;"---those sort

of circumstances by which you are to discover the intent, and then apply the particular acts as overt acts, supposing they do not in their particular nature demonstrate the treason itself.

Now, Gentlemen, considering the law to be clear, I will state the nature and effect of the conspiracy with which the prisoner is charged; and this conspiracy has been, not a simple conspiracy, but a conspiracy as alledged and attempted to be carried into effect to depose the King, and to destroy monarchy also; or, in the language of one of the letters that has been read to you, to rip up monarchy by the roots, and to plant democracy in its stead; and I think this I shall prove by fair conclusions from facts demonstrating a treasonable conspiracy, that is, an intent to destroy, as plainly as an intent to rob is demonstrated by the fact of a man coming up with a pistol to your carriage, and shewing you he has the power of taking from you your money, in such circumstances, without even demanding it.

Gentlemen, if the thing were intended to be done without the purpose being effected, whether the means taken are successful or not, is totally unimportant to the question of the person being guilty or not guilty; it is unimportant (borrowing the language of Gerrald,) whether the life of the King is to be taken by the robber on the heath, or to be endangered by associated clubs; and these are the most dangerous, as history tells us that robbers have respected the persons of Sovereigns, that they have respected fallen greatness, which Conventions never have done.

Gentlemen, I was called upon, and repeatedly called upon, to point out the point of time when the offence was first conceived; when it was the prisoner first conceived this intention---I say it is perfectly immaterial when he did conceive it---the question is, Did he ever conceive it at all? and if he did, he is guilty of high treason; and I say, that it is not necessary to be proved an evident intent to destroy the King, but it is sufficient to prove an act that might, by probable consequences, endanger his life.

Now, Gentlemen, has the evidence produced to you shewn any facts from which it may be fairly concluded that there has been a conspiracy to take measures, in consequence of which, if they had been pursued, the King's life would probably be put in hazard? and has the prisoner done any act or acts in furtherance of such a design; and have they been proved or no? I think, when the evidence is attended to, there can be no doubt upon the subject.

Gentlemen, the Attorney General, in his opening, stated the case why he attributed to particular persons, and particularly to the leaders of both those societies, of both which the prisoner was a member, and one of which he was secretary, one general object which they considered as a common cause with other societies, and all the friends of liberty in all countries, and this was the establishment of a representative government founded

on the principles of the rights of man; and he likewise attributed to them the general pursuit of the means of accomplishing that object---first, by enlightening the people, and, secondly, by assembling a convention or meeting, or whatever name you choose to give it, (for there is no magic in the word convention,) which assumed the character of a convention of the people. That is the material point---a convention which assumed the character of a convention of the people, for a convention of the people on the principles of the rights of man must be sovereign---because what are the people? The natural power is in the hands of the multitude; the force remains with them; if, therefore, those who have the natural force are to be called into action by the assembling of a meeting which is to assume the authority of the convention of the people, if they are all called into action, the government is dissolved---there is an end of all government---every constitution must fall before it, because it is the people themselves taking back into their own hands that which they must have been considered as having delegated to others from time immemorial, binding those that are to be born by the act of them that are born, for there can be no peace in a country where that is not the principle; for the moment that the persons are assembled who take upon themselves the character of the convention of the people upon every principle whatever, they must be (if they are what they assume to be) sovereign; and if they are not what they assume to be, yet, if they assume to be it, they assume to be sovereign.

Gentlemen, if this is clear, their object to be obtained was necessarily the deposition of the King, and something to be done in consequence of it.

Gentlemen, it does not absolutely follow of necessity that the monarchy should be destroyed, and that a representative government should be established, for it is possible that a convention of the people, so to assemble, who might deliberate with wisdom on the subject, and who might be of opinion that a limited monarchy was the best form of government, might therefore form again a constitution which in its nature should be monarchical; but whether they did so or not, still the deposition of the King would be in the interim as complete as if they had destroyed his life absolutely.

Gentlemen, the principle however which has been adopted by these clubs is that which gives very little room for hope, that if a convention of the people should have been assembled, acting upon these principles, that they would ever have established monarchical government; for those principles which they have repeatedly declared ought never to be departed from, are, first, the right of equal active citizenship, or the right of every individual to an equal share in the government of the society of
which

which he is a member. And here I beg leave to remark the marked distinction between what is called the Duke of Richmond's plan and this plan. All that his plan went to was simply this---an equal share in the constitution of that body of representatives who should act for them in the constitution, as the House of Commons does, in the legislative part of this country; a thing as different as light from darkness. Yet you find, throughout the resolutions, that constantly the right of equal active citizenship, the right of universal suffrage, is applied to the government, the whole government, and is not confined in any one instance. I have not found an instance in which it is confined to such a body as the House of Commons is in this country.

Gentlemen, the consequences of this principle, the right of equal active citizenship, is necessarily this, and so they assert it: it is undoubtedly so---it cannot be questioned for the moment---you take this as a principle---all the rest must necessarily follow. This next assertion is, that the exercise of that right of equal active citizenship, in appointing a representative government, is essential to that equal right of active citizenship---So it is, when applied to that species of government now existing in France, but totally inconsistent with Peers in Parliament, or a King at its head. If there are to be powers in a country, if there are to be powers in the King, there cannot be equal active citizenship: there will be distinction---there cannot be equal active citizenship with the rest constantly---the moment it is established, monarchy, aristocracy of every kind, must necessarily be abolished, because utterly inconsistent with that principle. And, you will recollect, in the books we have produced to you, that it is laid down as a manifest defect of the French constitution of 1791, because that contained a King in its constitution.

Gentlemen, another objection is, that voters for the election of a representative body was to have a qualification; so that even every individual has not that right of voting. Having stated this right, therefore, of every individual to a share in the government of which he is a member, and that the exercise of that right, in appointing a representative government, therefore, they necessarily claim as the right of universal suffrage, in forming such an universal representation, and that not only originally, but continually, that it is in the original constitution of their representative government, and likewise in the continual renovation of all the members of government, executive and legislative. It is stated by Mr. Paine and Mr. Barlow, that government is necessarily a usurpation of the rights of man; and so it is if they are right in their first principles.

Now, Gentlemen, this original and continual exercise of this right of universal suffrage, is also an effect of the right of equal active

active citizenship, because the equality must necessarily be destroyed by the delegation of either executive or legislative power, and therefore must be renewed.

A fourth necessary consequence is the right of perpetual revolution, or the right of changing their constitution of government, when, as often, and in what manner the equal active citizen shall think proper; still, however, adhering to their principles, and the same form of representative government to be frequently renewed, because that form of government that is not frequently to be renewed is contrary to the rights of equal, active citizenship, and is likewise an usurpation of the indefeasible rights of man, and, consequently the tyranny of despotism which they apply to every existing government.

Gentlemen, the conclusion is inevitable upon the principles, but they assume the principles of equal active citizenship. I will certainly here not dispute with them that assertion, whether well or ill founded; and I think it would be no very difficult task to prove that it is necessarily ill founded. But without entering into any discussion upon that principle, I will say it is utterly inconsistent with monarchy, utterly inconsistent with the House of Lords, and many other parts of our establishment.

Therefore, the persons who had the design to procure the establishment of these principles, upon which the government of the country ought to be founded, and who had held that any government founded upon other principles is necessarily an usurpation of the indefeasible rights, if they take any steps whatever for the purpose of altering the established government, they must be conceived to have *prima facie* within their view the attempt of destroying the existing government, abolishing the House of Lords, all the ranks and distinctions in the country, and also the House of Commons as now established, and forming a constitution of government upon their principles, because no other constitution of government could, according to the tenets they held, be a lawful government.

Now, Gentlemen, if persons having these principles have formed a design for assembling a convention or meeting, who should assume the character of a convention of the people, and in the prosecution of this design have done various acts, as particularly the prisoner at the bar has done various acts, as writing of letters, and a variety of others, all tending to the completion of this project, a case so proved must necessarily amount to high treason; because it is impossible that that conception can have been formed without those who formed it conceiving in their minds the wish to destroy the existing government, and to establish in its place a government founded on principles totally opposite to the present existing government; and when such persons wish to effect a reformation in the country, it is fairly imputable that they do it by the same principles which they lay down

down to themselves; and if they do it by assembling a meeting to assume the character of a convention of the people, by that very act they declare most completely that that is their intention, because such a convention, truly a convention of the people, cannot be assembled without deposing the present existing powers of the state.

Now, Gentlemen, it is not necessary, for the purpose of imputing to the prisoner the guilt which is imputed to him (for the purpose of finding him guilty) should be proved to its full extent; but I apprehend it has been so proved.

Gentlemen, a much less case seems to me to be within the penalties of high treason: it has been shewn, at least, that those persons who are concerned with him had formed the design to procure some alterations in the sovereign power of the state, and that they had taken some steps for that purpose.

Now, Gentlemen, if they formed the design to procure any alteration, otherwise than by the constituted legislature, of the King, Lords, and Commons, in Parliament assembled, and acting in perfect freedom; for if they do not act in perfect freedom, they are not the constituted legislature of the country---it is ridiculous to call them so---they are no longer so, if put under restraint; for if a man is put under restraint, any act which he has done is by law void: if he is compelled to do it, it is not his act; and so with respect to the legislature: if they are not free agents, they are not the constituted legislature; they are not that thing which was intended by the framers of the constitution of the country, to make laws that should be binding upon others. If, therefore, they form a design to compel them to do any other acts than those which they would do if not so compelled, they form a design to depose the King from his royal authority, and that deposition is, if I am right in the law that I have stated, compassing the death of the King. The design is treasonable, and being manifested in committing any overt act, the measure of their guilt was full, they were guilty of high treason; for, Gentlemen, if any change is attempted to be made in the original constituted power of the state, the moment that the attempt begins to operate, the original constituted power of the state ceases to be sovereign; and it is henceforth deposed from its sovereign authority, to the extent at least that is necessary to effect this particular change. Now, the law of England admits of no distinction between the deposition of the King for a day, or an hour, or a deposition of him for ever. An attempt to depose the King from his sovereign authority for a day or hour, must hazard his life; and a conspiracy for that purpose is, therefore, hazarding his life, and therefore high treason.

In the case of Lord Cobham, it was not the view of the persons concerned, that the acts which they proposed to do should, for any continuance, deprive the King of his royal authority; but

but they conceived that, within a certain time, they should have brought about all that they wished to have done, and put the King on his throne again; and yet there is no doubt that it would have been as completely high treason as if they intended to depose him for ever.

Now, Gentlemen, it is admitted, that the persons concerned in this business were the persons that intended to effect a change in the government of the country. The idea, in truth, of affecting this change, by the existing legislature, if you attend at all to what the evidence has been, seems quite out of the question. They have explicitly declared (for notwithstanding the colour that has been attempted to be given to that, I think they have most explicitly declared,) that they would not petition Parliament---that they conceived petitioning Parliament would have no sort of effect---that an address to the King they declared to be futile; but they would resort to more effectual means, and those effectual means they declare to be the energy of their own power, they would look to their own laws, and not to the laws of their enemies, their plunderers, and their oppressors; they declare the existing government of King, Lords, and Commons, is that of their enemies, plunderers, and oppressors; they declare, that an application to the King would be futile: they therefore look to their own means, those means being their own laws, to be effected by their own energy. I know not words to express more emphatically---to declare that it was their intention, by their own force, to effect that change which they wished to have in the government of the country.

Gentlemen, it has been proved, that they took steps towards such a meeting; the nature of the meeting intended to be convened, and the power intended to be assumed, are matters of dispute. But it is not disputed that, in some manner or other, that meeting was to effect their purpose, although it was in dispute how it was to effect their purpose. I confess it appears to me impossible to suppose, consistent with the evidence you have before you, that they could mean to assemble a number of people for the purpose of doing that which they might have done before in their separate bodies; or, when they conceived the idea of meeting in collective bodies, they should think it proper to give their meeting a different name than that which they assumed in their clubs. They have been represented as being on the plan of another Convention in Scotland, which wanted a reform in the Scotch representation. In what manner did they proceed? They met, had a bill framed for their purpose, and a bill was brought into Parliament; and I really believe that that was the purpose for which they met. Therefore, there cannot be any comparison drawn between that sort of meeting and that which these persons proposed.

Gentlemen, I observed that Mr. Gibbs laid considerable stress on some words which were made use of in one of the resolutions formed at one of these meetings, in which he intimated, that their object only was to collect the opinions of the people upon the subject, and to do nothing more; to consider what were the proper measures for the purpose.

Now, Gentlemen, when one recollects all they have declared upon the subject, when one recollects that they have repeatedly declared that the people were not to look for relief from Parliament, as it was constituted, and that it was not to be expected that those in possession of power would part with it without a struggle---that relief was to be expected from their own laws, and not from the laws of their plunderers and oppressors, I take it to be nothing else than considering in what manner they should carry into execution that intention which they declared---that of obtaining relief from their own laws, and doing it by means of their own energy.

Suppose they had it in their view not to have acted themselves immediately as a constituted assembly, though assuming the character of a Convention of the People, which, I think, I shall shew you they clearly meant to do, and as the British Convention expressly did---if they did not intend to submit themselves completely and entirely to the government of the country, their act was an act of the usurpation of sovereign power; and if they were devising means by which the people at a future time by their own authority should do this for themselves, it was just the same thing as if this Convention then assembled should themselves do it; for they would only be doing it more remotely, taking steps towards their own original design, making a change by their own powers, and not by the powers of the existing constituted authorities. If they had conceived that particular design, still I imagine it would be equally destructive to the existing government. The means which they took for the purpose must be all tending to their great end---to that which they considered and declared to be the grand plan they had in view, and which they meant to effect by their own strength, and not by such an application to the legislature as has been supposed.

Gentlemen, when one considers what has passed in France, one must be perfectly aware of the effects of a National Constituted Assembly---when the Estates-General of France were called together by the King, before, I think, half of them were assembled, such of them as were principally of the third order declared themselves to be a National Assembly, that is, an assembly of the people; and they immediately declared, according to that principle, the King could put no negative upon their proceedings. That was one of the first steps taken in that assembly, and

and from the moment they had done so, nobody who has looked into the history of that country but must see, that the King of France was in fact deposed from that moiment. I think that was in June, 1789.

When they were assembled in the character of a Convention, though the number of persons assembled were less than one moiety of the persons that were to be convened, they declared themselves a National Assembly, and acted upon that principle, and declared the King could put no negative upon their proceedings; and they having done so, also declared they would not separate till they had accomplished their purpose. They took on themselves immediately to act as the complete sovereign power of the people; they declared that all the taxes were illegal; that they should be received for a time, but should only be received so long as that assembly should sit.

From that moment, therefore, in effect, the King of France was deposed, a constitution was formed, and to that constitution he gave his assent in 1791: he was then again upon the throne; but upon what throne? He was not King of France in the character he had been before, but he was King by a perfectly new title, and in a perfectly new character; and in the interim he had been, to all intents and purposes, dethroned.---Such is the necessary and natural consequences of a National Constituted Assembly.

If we look to what has passed in our own country, and to that which has been generally referred to in the course of these proceedings---namely, to the Revolution of 1688, we shall find, to a certain extent, the same thing done; for what was that assembly which placed the Prince and Princess of Orange upon the throne? Our King James having done that which caused his subjects to rise against him, having deserted the country, an assembly was called; by no regular authority, but letters issued, which had been used for the purpose of calling together those persons who were entitled to be summoned to Parliament, and to the several counties, for the Sheriffs to cause elections to be made for members to be returned to Parliament. That assembly met. In what character? It met as a Convention of all the estates and degrees of the People; it acted as such; its authority was acquiesced in, and it did all that was necessary for its particular purpose: the government of the country remained as it was, with one single circumstance---the throne was vacant; that Convention supplied the vacancy, and the moment it had supplied the vacancy, and given the throne to William and Mary, that instant its character as a Convention ceased; it was no longer that assembly representing the three estates of the People---it was assumed by King William as a regular Parliament.

But, Gentlemen, in the act which it did in giving the crown to the Prince of Orange, it acted as a complete sovereign power, in complete rebellion, if I may so term it, to James II. for the moment that assembly began to act, James II. would have been completely deposed if he had not abdicated the throne---it is the inseparable consequence of assembling such a species of Convention.

Gentlemen, the moment, therefore, as I conceive, that there is an assembly assuming to itself the character of a Convention of the People, which can sustain itself against the government of the country, there is an insurrection against that government, and all those consequences follow which are so much detailed to you in that speech of Barrere which has been read to you: the King is deposed, and deprived of his inviolability, so far as the Convention has the power to act.

Now, Gentlemen, if a Convention, a meeting which could assume the title of a Convention of the People, could be lawfully assembled, what must necessarily be the consequence, if it is an assembly of the Convention of the People, and if lawfully assembled, the King must be bound to obey it? If he is bound to obey, he is no longer sovereign. The Parliament must be also bound to obey it. They, together with the King, would no longer be the sovereign power of the state; for, the moment it is assembled, it must be the superior power: the result of that would be, and all principles must determine that to be the result, that if the King was to act in resisting such an assembly, he must be guilty himself of what may be deemed treason against the sovereign power of the state, and it would afford the very pretence for putting him to death, as it did in the case of King Charles I. and Louis XVI. If, therefore, Gentlemen, it appears to you, that these persons have formed a conspiracy to assemble a number of persons who should assume, in an assembly, the character of the Convention of the People, that alone (and that they have taken steps for that purpose, that alone) would constitute the crime of high treason.

Gentlemen, the conspiracy which has been alledged is certainly of a very wide and extensive nature; a circumstance that has occasioned a considerable degree of regret on the part of my learned friends; it has produced a very extensive evidence of persons that have been acting at different times in different places, and in some respects with different views; but all of them have in view, particularly their leaders, one grand plan, the accomplishment of which was the object of all.

Now, Gentlemen, this has occasioned the distribution of the evidence into those two parts noticed by Mr. Gibbs, which established, first, the existence of the general conspiracy, and, secondly, to discuss the part which the prisoner at the bar had in it,

it. I conceive, that when you have taken the evidence altogether, you can have no sort of doubt of both.

Gentlemen, let me take the evidence a little by degrees, and by so doing (for I see there will be no end of taking it in detail) I shall necessarily trust to your giving some credit to my assertion, without referring to every particular part of the evidence; especially as my Lord will afterwards sum it more plainly to you, from the several papers given in evidence. I think I may assert as perfectly proved, that there were some persons in this country, and I may instance particularly Mr. Paine and Mr. Barlow, who were desirous of affecting the destruction of the British constitution, and particularly the monarchy, and all its hereditary honours, and were proceeding, to the utmost of their power, to effect their purpose. I think I do not assume too much when I assume that it cannot be fairly contended, that such persons as Paine and Barlow were not conspirators against the constitution of this country: there are persons in France who come under the same description, and, with great submission to you, I shall beg to include in that description the French National Convention, for they were clearly disposed to spread the doctrines established in their own country, and they were desirous of doing it for this reason---because they felt that their own safety depended upon it. You will recollect, perhaps, a passage in Mr. Paine's works, that when France should be surrounded with revolutions, she would be in peace and safety; and the Society for Constitutional Information, and the London Corresponding Society, in their addresses to the National Convention in November, 1792, and of which neither of the Counsel for the prisoner took any notice, though it was very material---you will recollect, the London Corresponding Society in particular, in that address, further supplicated, that the Almighty Ruler of the Universe might be favourable to the cause of the French, so intimately blended with our own. This, you will recollect, was not during the existence of the constitution of 1791; but after the destruction of that constitution, and the total deposition of Louis XVI. so that then they consider the cause of the French as intimately blended with their own. Now how could it be blended with our own, unless it was their object to establish in this country a government upon the same principles upon which the French had established their government, or endeavouring to establish it?

Gentlemen, they conceived it their duty to countenance and assist, as much as in their power, the champions of human happiness; that they would oppose all in their power every attempt against them on the part of Great Britain; and that they looked to the triple alliance, not of Crowns, but of the people of America, France, and Britain, to give freedom to Europe, and peace to the whole world.

Now

Now the words are very strong: it is not simply the alliance of the people; but, say they, if you succeed, as we ardently wish, the triple alliance, not of Crowns, but of the people of America, France, and Britain, will give freedom to Europe, and peace to the whole world. So that it is not simply that they make use of the people as an expression that might comprehend the whole, but they expressly negatived Crowns. At that time there existed no Crown in America; France had no Crown at that time; the only country which they have mentioned that has a Crown, is Great Britain. When, therefore, they wish there was not an alliance of Crowns, but of the people of America, France, and Britain, what do they state, but in express terms, and terms not to be controverted, that they had formed a wish and intention to establish in this country a government without a Crown? I can give it no other interpretation.

Gentlemen, in another part of their address, they say---“ Seeking our real enemies, we find them in our bosoms. We feel ourselves inwardly torn by, and ever the victims of, a restless and all-consuming aristocracy, hitherto the bane of every nation under the sun. Wisely have you done, in expelling it from France.” What can they mean by aristocracy, but to refer to that part of the constitution of this country which may be deemed aristocratical; that they consider every thing that can be called aristocracy as their real enemies, and the bane of every nation under the sun; and that as they conceive the French have acted wisely in expelling it from France, that it would be equally wise to expel it from this country? Now, for what purpose could this address have been presented to the French Convention? There might be two purposes---that of publishing to the world, to the country here, in a way which they might fancy to be in some degree safe, in the mode in which it was to be published---a declaration against the existing government of the country; and another, holding out to the French Convention, that they were desirous of receiving every assistance from that country which could possibly be given, for the purpose of enabling those who addressed them to establish the same government in this country.

Gentlemen, that address which is presented by the Society for Constitutional Information is at least as strong; and you will observe, Gentlemen, that the learned Counsel for the prisoner have cautiously avoided taking any notice of this address likewise. The truth, I must conceive, that they did not, was, because they were unable to give any answer to it. Now how does this address begin? “ Servants of a sovereign people, and benefactors of mankind, we rejoice that your Revolution is arrived at that point of perfection which will permit us to address you by this title.” Why then the point of perfection to which,

as they conceive, a revolution must arrive to be at its point of perfection, is when those who have the administration of the government of a country are to be addressed in the character in which they thus address the National Convention of France---“Servants of a sovereign people, and benefactors of mankind.” What can they mean but this: not only that it is a government established upon the principle of the rights of man, and equal active citizenship, in which the people is to be considered as constantly exercising that sovereign authority, and having a perpetual controul over the whole of the country; but that which leads, in its nature, and in its principles, to that sort of perpetual revolution I before observed to you.

But, Gentlemen, it proceeds---“We rejoice that your Revolution has arrived at that point of perfection which will permit us to address you by this title. It is the only one that can accord with the character of true legislators.” Is it not a clear and express declaration, that they did not consider the legislature of this country to have that title which could accord with the character of true legislators? for a reform in the House of Commons would not give the legislature in this country a title to that character; for the King and the House of Lords still remaining a part of the legislature, could not, by any possibility, come within that description which they meant to attribute to the French Convention. They add---“Every successive epoch in your affairs has added something to the triumphs of liberty, and the glorious victory of the 10th of August has finally prepared the way for a constitution, which, we trust, you will establish on the basis of reason and nature.”

Now, Gentlemen, it appears, that the event of the 10th of August was to them a cause of exultation. I have nothing to do with the propriety or impropriety of the conduct of those concerned in that transaction. It would be wrong for me to blame on one side or the other; but to which ever side blame was imputable, what was the event? The event was the destruction of the French monarchy; that is here called a glorious victory, and is said finally to have prepared the way for a constitution established on the basis of reason and nature---that it was coming to that situation which enabled them to arrive at that point of perfection expressed in the former part of the address. Now to say that any persons would give their assent to that address, knowing what they were about, and still entertain in their minds a sincere attachment to the British government, is asserting that which, it seems to me, no reasonable man can do. And here I cannot help observing on the word “finally:”---“and the glorious victory of the 10th of August has *finally* prepared the way for a constitution, which, we trust, you will establish on the basis of reason and nature.”

Gentlemen,

Gentlemen, you will recollect, there were two passages, one in Mr. Paine's works, and one in a letter of Joel Barlow's, before the glorious victory of the 10th of August, which expressly states that they looked forward to that event---that they looked to the destruction of the constitution which had been formed in 1791, for this reason---because it was formed in contradiction to the principles of the rights of man, in the parts of it which consisted in monarchy or in privileged orders, and so far as it had any distinctions whatever: it was a compound of contradictions, as I think Paine calls it, in his publication of the Rights of Man; a sort of character which he gives to the British Constitution; and therefore in its nature it could not subsist.

Gentlemen, in another passage of the same address, speaking of the cause of the French, they say---“It is indeed a sacred cause: we cherish it as the pledge of your happiness, our natural and nearest friends; and we rely upon it as the bond of paternal union to the human race, in which union our own nation will surely be one of the first to concur. Our government have still the power, and, perhaps, the inclination to employ hirelings to contradict us.” Then they say, they speak the real opinion of a great majority of the English nation; and then take notice of the wonderful “splendor of the French Revolution, bursting forth upon the nations in the full fervour of a meridian sun, and displayed in the midst of the European World, the practical result of principles which philosophy had sought in the shade of speculation, and which experience must every where confirm. It dispels the clouds of prejudice from all people, reveals the secrets of all despotism, and creates a new character in man.”

Can a clearer comment be given on the works of Mr. Paine and Mr. Barlow than these words I have read to you? Then they state a combination of principle with practice, in the same manner as Mr. Paine has done, in the second part of his works; that they were looking for the removal of that prejudice which supported monarchy in that country, even that portion of monarchy which they left in the constitution of 1791. It is said by Mr. Paine and Mr. Barlow, that the first assembly which ended in 1791, were obliged to have a King; because the prejudices of the people would not permit them to form the government without, and that the principles upon which they were formed led to the destruction of that principle of monarchy which they had left. They conclude---“In this career of improvement your example will be soon followed, for nations rising from their lethargy will exclaim the rights of man with a voice which man cannot resist.” Rights of man! why, are those rights of man the same as are contained in Thomas Paine's works? because these societies have expressly declared Paine's works to be the foundation

foundation of all their proceedings; therefore, when they say that nations rising from their lethargy will reclaim the rights of man with a voice which man cannot resist, they must be taken to mean what they say, according to the fulness of the doctrine laid down in Mr. Paine's book.

Gentlemen, I may add to this a remark by the way, that it is a little extraordinary that, considering how much the Constitutional Society has been involved in the cause, and how important it would have been for the prisoner at the bar to have brought some members of that society to explain and put a construction upon their conduct, yet not one man of that Constitutional Society is brought forward as an evidence in this cause, except that poor dancing-master, who was a member of both societies, and who seemed to be incapable of knowing any thing that was passed by either.

Now, Gentlemen, the same observation refers, in a degree, to the case of the London Corresponding Society---that not one person which they have brought is a person who is capable, from the description he gives of himself, of accounting, in any way whatever, for this address of this London Corresponding Society. You will recollect the manner in which these two addresses are passed in these societies, and the debates that took place upon them, and how they should be framed---whether it should be a joint address, and whether the addresses should be separate---it was a thing not taken up in a hurry, but deliberately considered---framed one in one form, and another in another; and the two addresses were sent with an express view to declare to the French National Assembly, in some manner or other, what the opinions and sentiments of these societies concerning them were; and therefore they were particularly required in favour of the prisoner at the bar, to give an explanation of these two papers, if any such explanation could possibly have been given, and which would have been given, could any such explanation have been given with any advantage to the prisoner at the bar.

Gentlemen, you are to consider that, in truth, both these addresses held out, in pretty strong terms, a wish of alliance and friendship with that country. That country certainly was not, at the time these addresses were presented, in any adverse situation to this country; but still in a very particular situation with respect to it, especially such as behoved them to act with a degree of caution, and to reflect a little upon the subject before they did it.

But, Gentlemen, how were these addresses received? The person that was sent over with the addresses of the Constitutional Society, (how the address of the London Corresponding Society got over, we have not been able to shew,) was Mr. Joel Barlow, who had recently written a letter to the National Convention of

France, with respect to the defects of the constitution of 1791, pointing out, as the defects of their constitution particularly, the existence of a King in it, and several other things which he thought should be removed, in order to make the government more complete upon the principles of the rights of man. The other person is Mr. Frost, who I should likewise observe is not called as a witness in this cause on the part of the prisoner. Mr. Frost made himself a little obnoxious to the government of this country, and afterwards became the object of a prosecution. When this address was presented to the National Convention of France, the President (the speaker of the French National Assembly) perfectly understood the subject. You may recollect, Gentlemen, that there was an address pronounced by those gentlemen who presented this address. Mr. Barlow and Mr. Frost were admitted to the bar---Mr. Frost thus addressed them:---

“Citizens of France, we are deputed from the Patriotic Society for Constitutional Information in London, to present to you their congratulations on the triumphs of liberty before the epocha of your Revolution. This society had laboured long in the cause with little prospect of success.” What is this but saying that this society had been employing itself on the same principles as the French National Convention? “Conceive then their exultations of gratitude, when, by the astonishing efforts of your nation, they beheld the reign of reason acquiring an extension and solidity which promised to reward the labour of all good men, by securing the happiness of their fellow-creatures.”

Now, Gentlemen, if this society had made this address to the Assembly which framed the constitution of 1791, it might have admitted, in some degree, of a different construction; but they never addressed that Assembly which framed the constitution of 1791. Why? Because that Assembly had not brought the Revolution to this point of perfection, and therefore it was they never addressed the Assembly which framed the constitution of 1791; on the contrary, till this Revolution of the 10th of August takes place, they had no idea of entering into this sort of correspondence with the French; they then make these addresses to the French Convention, at the same time declaring, that, before this Revolution, the society had employed itself on the subject with little hopes of success. They add---“Innumerable societies of a similar nature are now forming in every part of England, Scotland, and Ireland. The minds of all receive, from this circumstance, that which leads them to fathom the abuses of government, and the simple means of a reform. After the example which France has given, the science of revolutions will be rendered easy, and the progress of reason will be rapid.” How was this Revolution effected in France? By an assembly of the people lawfully assembled under the authority of the King

as the ancient statutes required? No; but an assembly taking upon themselves, of their own authority, to declare themselves to be a Convention of the People: From that moment, the late King of France was deposed; in fact, from that moment, the French Revolution began, and proceeded to its present state. They say---“After example given by France, the science of revolutions will be rendered easy, and the progress of rising liberty rapid; and it would not be strange if, in a period not far short of what we should venture to predict, addresses of felicitation should cross the seas to a National Convention of England.” What could this have to do with a meeting for a reform in Parliament? What could be the object they had in view in this address? What is the meaning of the National Convention of England there? Is it a meeting for the purpose of petitioning Parliament for a reform in Parliament? Now, Gentlemen, what can it mean, but a Convention, assuming all the powers of government, precisely the same as the Convention of France at that time did? Is there any other construction can be put on these words? Have they brought any one single man of the society to shew that that construction ought not to be put on these words? The President of the National Assembly, no doubt, knew what was the meaning to be put on them: he immediately enters into their views, calls them generous republicans; he could not have the least idea that they were the friends to the House of Peers, the old peerage; as to the new Peers, the skip-jacks, I am told they were offensive: one of the witnesses said, that such abuses as them were to be remedied. “Generous republicans, your appearance in this place will form an epoch in the history of mankind. History will consecrate the day when, from a nation regarded a rival, in the name of a great number of your fellow-citizens, you appeared in the midst of the National Convention of France; and she will not forget to recount, that our hearts expanded at the event. Tell the society who deputed you, and assure your fellow-citizens in general, that, in your friends, the French, you have found men.”---(Treating, therefore, the French as their particular friends, and taking this in connection with this passage in the same address,) “the supporters of our liberty, who will one day be the supporters of your own. You command our esteem---you will accept our gratitude---the sons of liberty throughout the world will never forget their obligations to the English nation---the shades of Pym, of Hampden, and of Sidney, are hovering over your heads; and the moment cannot be distant, when the people of France will offer their congratulations to a National Convention in England.”

Why, Gentlemen, the President of the National Assembly doubted not but the moment would soon arrive in which the French would bring congratulations to the National Assembly of Great Britain. Is it possible to explain these transactions in

any other sense than what I have put upon them? If it be not, then why have not some persons or other appeared to give them what they conceive to be the true meaning and true sense of the society? And you will observe, that a great deal of evidence has been given in this trial for the purpose of making construction of the same sort; and when people attempt to give constructions to words used in one case, and not in another, it must at least be taken, that in that case in which they do not give any evidence of the construction of words, then the construction must be taken in the way that the words import; and these words, taken in their plain and obvious construction, can import nothing else than a complete design formed in this country for bringing about a National Convention of Great Britain; to which National Convention, having in itself all legislative and executive powers of government, that National Assembly of France was to send its congratulations.

Gentlemen, it should be also observed, that the Convention, by their decrees of the 19th of November and 15th of December, 1792, decrees so well known, had adopted that sort of mode of defence which had been suggested to them as the best means to secure their own---namely, that of giving liberty to Europe; and they had declared, in the name of the French nation, that they would grant fraternity and assist all people that would wish to recover their liberty; in which they must include the people of England, because the London Corresponding Society had declared the people of England were slaves. So that, Gentlemen, the French had declared, they would not permit the reformation in the House of Commons, for that they would compel the people of this country to accept a government formed on the principles of the sovereignty of the people; and if they refuse or renounce liberty or equality on these terms, that they would treat the people of this country as enemies.

Lord President. Mr. Solicitor General, if you please, we will break off here for to-night. I think we had better adjourn now, as it will be impossible for any human powers to sustain it, to sum up after you have done. We shall lose no time by stopping here for to-night; for saving an hour to-night will only be losing an hour in the morning.

At half past twelve o'clock the Court adjourned till Tuesday morning eight o'clock.

[*End of the Sixth Day.*]

TUESDAY

TUESDAY MORNING, NOVEMBER 4, 1794.

THE Court met at nine o'clock, pursuant to adjournment.

PRESENT,

LORD CHIEF JUSTICE EYRE, LORD PRESIDENT,

LORD CHIEF BARON,
BARON HOTHAM,

| MR. JUSTICE BULLER,
| MR. JUSTICE GROSE.

CONTINUATION OF THE REPLY OF MR. SOLICITOR
GENERAL.

Gentlemen of the Jury,

When I had the honour to address you last, I concluded, after having stated to you the general idea I had of the persons who engaged in the transactions which have been proved in evidence before you, how far they implicated, though not specifically and precisely, but how far generally I conceive they implicated the prisoner; what was his character in the transaction, and what was the character of those who were agents in it; professing to consider and believe, that the vast majority of persons engaged were not of that description to whom that highly criminal intent imputed to the prisoner ought to be imputed: having also stated to you what I conceive clearly to be the law upon the subject, under the direction of my Lords on the bench, you will be of opinion that what I have stated as the law, is really and unquestionably the law of the land, as derived and handed down to us now for near a period of between four and five hundred years.

Having proceeded then to state to you what appeared to be from the evidence, as far as I went through it, the views, objects, and intentions of the persons concerned in these transactions, I had arrived at that period when these societies had addressed the National Convention of France; and I had observed considerably at large upon that transaction, and I insisted on it, because it appeared to me to be a transaction which shewed their views, their intentions, and their objects, so clearly, so plainly, and so irrefragably, that I thought it impossible, in any part of the case, more strongly to impress upon your minds what those views, what those intentions, and what those objects were, and how they meant finally to accomplish those views, intentions, and objects---namely, by assembling a National Convention.

I think, Gentlemen, if you advert simply and only to those two addresses, to that sort of introduction to one of them, when it was presented to the National Assembly by Mr. Barlow and Mr. Frost, and to the answer which was given by the President of the National Convention---an answer, in which no kind of fraud, disguise,

disguise, or collusion was necessary, in which, on the contrary; the plain truth was most likely to appear, you can have no doubt in your minds of the objects and intentions of the prisoner at the bar, and all those who were so far concerned in it, as to have a complete connection with that transaction, that their views and intentions were nothing less than the destruction of the government of this country---I mean, by a Convention of the People; and to establish it in the room of that government, under which this country has been blessed, in spite of all the abuses which belong to it, and abuses will belong to every government, and perhaps very abominable abuses may belong to this country; I will not dissemble that there may be such, and which, as far as lies in my power, I shall think it my duty to bring forward as soon as I can---In whatever situation a man may stand in a country, he has that interest in it which is far dearer to him than any thing else: and as may be said in a religious view, we are taught what can a man give in exchange for his soul? so in a civil and political view it may be said, what can a man give in exchange for his liberty? Nothing can be a sufficient compensation for the loss of that; in comparison of which, honour, riches, dignity, are nothing.

Gentlemen, having stated to you what appeared to me to be the reasonable comment upon the transaction with France that I have related, I will just notice to you the observations upon it which naturally occur as to those who are concerned in this conspiracy.

And, Gentlemen, I must here observe, under the correction of his Lordship---as it has been extremely difficult, in the course of this long trial, to be certain of all the papers that have been produced, I may by possibility, but I am sure it is unintentionally, mention some papers which may not have been read, but I wish my learned friends would correct me if I should. What I am going to state to you, was a letter from the society at Stockport, to the prisoner at the bar, dated the 3d of November, 1792.

Now, Gentlemen, you will recollect, that with respect to all the letters which have been produced except one, not a single observation has been made by my learned friends, except that letter from Norwich, which I shall notice presently.

This letter is dated the 3d of November, 1792; it is a letter from the society at Stockport to the prisoner, and in that letter they say this---“I am directed by the friends of universal peace and the rights of man.” Which very title, I think, if you advert to it, plainly shews, what the intention and object of these parties were. For you will recollect, and the thought occurs to me at the moment, that the idea that has been conceived by these persons was an enthusiasm, but an enthusiasm dangerous in the highest degree; the idea they conceived was, that by the establishment of the rights of man, universal peace would be established throughout the world. When, therefore, persons assume
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the appellation of the friends of universal peace, and of the rights of man, they plainly declare, that they have not in view any reform in the government of this country, as now established, because it is, according to their declarations, inconsistent not only with what their conceptions were of the rights of man, but with what their conceptions were of universal peace; for their idea of the means of procuring universal peace was this---that by establishing representative government throughout the world, the interests of the people would be so immediately considered by the government of every country, that wars would cease, and universal peace be established throughout the universe---that the world would be, in effect, one nation.

You will recollect, that that has appeared in a variety of instances in the papers that have been produced to you. That enthusiasm they certainly had, and an enthusiasm as dangerous to government as any that ever existed---as dangerous as those of the Millenarians or fifth-monarchy-men, who in the last century occasioned some disturbances in this country, under an impression on their minds that Christ was then to come, and establish his kingdom upon the earth, and there was to be universal peace and good-will towards men, what they called the kingdom of the saints. You may remember, that they made an insurrection in the time of Charles II. It was suppressed by a very few. A similar insurrection was made in Cromwell's time, but suppressed; but the persons concerned in that transaction to the very last persisted in that enthusiasm, and some of them declared in their last moments, that if they were deceived, they were deceived by Heaven.

But the sincerity of their conception of these ideas does not at all lessen the danger nor the necessity for the government of the country, if men are suffered to talk such blasphemous language, the enthusiasm does not make it less necessary for the government of the country to take the proper means for suppressing them.---If men should take it in their heads that communion of goods was part of the Christian religion, and should, upon that ground, take away the goods of their neighbours, they must be punished as robbers, because otherwise it is impossible to preserve the peace of society in any other manner.

Gentlemen, I have digressed from what I was stating, by a thought which occurred to me at the moment.---The title which the Society thought proper to assume, in this their letter, is this---The Friends of Universal Peace and the Rights of Man. This letter says---"I am directed by the Friends of Universal Peace and the Rights of Man, to inform you, that we received two letters from you; the first, dated September 21st, requesting us to concert with you, on transmitting to the French National Convention, an address signed by every member." The other goes to that which is not very material, except that it proves that the

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London Corresponding Society were not simply content with addressing the Convention themselves, but they attempted to prevail upon all the other societies to do the same, which they conceive would assist the cause to a very great degree. And in a letter of the prisoner's, setting forth his opinion of addressing the French Convention, it is stated, that a number of signatures was infinitely better than any sum of money they could think of subscribing. Then they say---“With respect to the substance of this letter,” the letter from Stockport, which requests them to concert with the London Corresponding Society, on transmitting an address to the French Convention,---“with respect to the substance of this letter, we believe, that the cause of the French is that of every individual person in Europe, that is not fattening on plunder, or through ignorance, obstinacy, and inattention, sits unconcerned, and will not be persuaded to consider, although inevitable ruin should be the awful consequence.”

Here you see, Gentlemen, this society at Stockport states most clearly, what it considers as the object of such an address to the French---that they consider the cause of the French as their own cause, and likewise that of every individual in Europe, who is not fattening on plunder, or through ignorance, obstinacy, and inattention, sits unconcerned, and will not be persuaded to consider, although inevitable ruin should be the awful consequence. ---“We therefore think it highly necessary to add our friendly aid and assistance, in order to stimulate the oppressed friends of freedom in France, against all the despots in Europe, (who are combined against the just and equal rights of man,) by assuring them, that we view their signal exertion and wonderful victory with admiration, together with---” Mark this, Gentlemen; “together with the extinction of treacherous royalty, and the restoring to every individual his equal and indubitable rights as fellow men and free citizens, and that our hearts are united with theirs, as in one common cause, considering, as in a great measure, their victory our emancipation, together with their own.”

Now, Gentlemen, what was this victory? The glorious victory of the 10th of August. Why, Gentlemen, has not this society at Stockport declared its views in the most complete and direct terms? And “the extinction of treacherous royalty,” is here not pointed out ambiguously, not pointed out by words that will admit of a different construction, but by words direct and plain, by words that require no comment, to which no answer could possibly be given; and to which, therefore, my learned friends did not attempt to give any answer, and on which they did not attempt to make any observation.

Gentlemen, their silence upon that subject is conviction. If they could have got rid of the force and effect of this letter, they would have done so. You cannot conceive it was for any
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want of ability, or that it was for any want of industry; for I am sure when you heard, more especially, what fell from my learned friend who spoke last, you must acknowledge, that not possessing perhaps all the ornaments of eloquence which some men may possess, though at the same time possessing them to a considerable degree, yet as a judicious, forcible, able, and convincing advocate, he has not his superior.

Gentlemen, observe the manner in which this letter proceeds: "Yet should it ever be the case that our Ministry should be so perfidious as, contrary to their pledged faith of neutrality, to join the execrable band of despots against the cause of freedom, we will stand forward, even to the hazarding of our lives, by using every justifiable means to counteract their machinations, and give to the friends of freedom all the encouragement and support which we severally unsupported can afford."

Why, Gentlemen, is not that a clear and plain declaration, is not that saying, without a doubt, that, considering the cause of the French as their own cause---considering the victories of the French as their own victories---considering the emancipation of the French as their own emancipation---eager themselves to proceed to the extinction of what they call treacherous royalty, and to restore to every individual his equal and indubitable rights as fellow men and free citizens, they would do this to the hazarding of their lives? Why, Gentlemen, it seems to me, that it is impossible to conceive a more complete comment upon those addresses to the National Convention, than that which is contained in this letter. It is impossible, when we advert to the contents of this letter, to have a doubt what were the objects, views, and intentions of these people.

But, Gentlemen, what is that letter from Norwich, upon which so much observation has been made?

Gentlemen, I am now proceeding to observe, upon a letter from Norwich, upon which my learned friend did condescend to observe---I suppose, under the impression that it was necessary for them to take notice of something, and without any very clear view, I should apprehend, in the selections they have made of it, unless they possibly found, that in the course of the evidence that was given, there was very considerable allusion to it, and therefore they thought it could not possibly escape notice.---That letter is dated November 11, 1792, the letter from Stockport was on the 3d of the same November.

Now, this letter from Norwich, you will recollect, was made the subject even of debate in the meetings of the societies; and it states, that "The Society for Political Information are desirous of holding, and strenuously supporting, the noble sentiments which you so lately and friendly dispersed among us; and as we so much admire your well-adapted plan for a reformation of the state, permit us, with the utmost deference to your worthy Society, to

participate with you in all your national correspondence, which your very name promises to maintain; and, in consequence thereof, it is humbly desired by the society which I have the happiness to represent, to incorporate three members with your worthy fraternity." (And then the three names of the three persons are mentioned.) "Our principal design in doing this, is, that we may have an opportunity of knowing more exactly what may be thought the most eligible steps to be taken in carrying on this great business of our associated brethren, and to have an opportunity to ask such sort of questions as may be thought very reasonable among the brethren, especially when we think that publications are covered with a sort of obscurity in them, as the Sheffield people's declaration, which seemed determined to support the Duke of Richmond's plan only."

Now, Gentlemen, you see this society perceives a sort of obscurity in the declarations of the Sheffield Society, and states in what it conceived that obscurity to consist: "---especially when we think that publications are covered with a sort of obscurity in them, as the Sheffield people's declaration, which seemed determined to support the Duke of Richmond's plan only."

Now, Gentlemen, you will recollect, that plan of the Duke of Richmond, which however I think wild and extravagant, was a plan which had no other object whatever than that of reforming the House of Commons in this country, by making all persons who were of a certain age, and not liable to certain objections, capable of giving their votes for the election of members of the House of Commons, dividing the whole country into districts for that purpose, and allotting, I think, about two thousand six hundred votes to the election of every member, and making the members about five hundred. So that he had not, in any degree, in view, the giving the right of equal active citizenship, which is, the right of every man to a share in the government of the country; but confining himself to the idea of giving to every man the right of choosing the persons by whom the laws by which he was to be governed were made. The distinction is very plain, but not easily found out by the Sheffield people. This letter says, that a number of people thought the Sheffield people did not mean to go the length they intended, for they say that the Sheffield people seemed determined to support the Duke of Richmond's plan only. Then it says---"But since we find in a printed letter received from them in a book, that they mean to abide by some moderate reform, as may hereafter be brought forward by the Friends of the People---."

You will recollect, in the interval, that the Society of the Friends of the People was established, and who professed to have in view a moderate reform, and who, if you may judge from the evidence given at the bar from some of the members, never considered a moderate reform to come even within the Duke of Richmond's

Richmond's plan; they thought it wild and extravagant. The letter adds---"which method is uncertain to us." Again the letter adds---"We find that the Friends of the People and the Society for Constitutional Information, do not exactly agree."--- You will recollect, that the Friends of the People and the Society for Constitutional Information so very little agree, that the Friends of the People declare, they will have nothing more to do with the Society for Constitutional Information. Why? Because they saw clearly that the Friends of the People had in view a reform in the Commons' House of Parliament; but these had in view what is called all Mr. Paine's plan for public benefit ---all the doctrines laid down in Mr. Paine's works, including the extinction of royalty, the extinction of aristocracy, and the establishment of perfect representation.

The Norwich letter proceeds, after having observed that the Friends of the People and the Constitutional Society do not exactly agree, "---would be glad to know the reason. It seems to me, as though the difference was this: the Friends of the People mean only a partial reform, because they leave out the words expressing the Duke of Richmond's plan, and talk only of a reform; while the Manchester people seem to intimate, by addressing Mr. Paine, as though they were intent upon republican principles only."

Why, Gentlemen, address Mr. Paine? We are accused of pressing hard upon the prisoner's addressing Mr. Paine. Did not the Norwich Society understand it completely in the same light? This Norwich Society, with whom he corresponded, considered, that by addressing Mr. Paine, they were intent upon republican principles only. The Friends of the People had put the same construction upon the Society for Constitutional Information.

The letter proceeds---"Now to come closer to the main question: it is only desired to know," (conceiving, that the least they had in view was the Duke of Richmond's plan,) "whether the generality of the societies mean to rest satisfied with the Duke of Richmond's plan only;" (that is, whether you struggle for more, or will be contented with that, for that is what only can be meant by the word,) "or, whether it is their private design to rip up monarchy by the roots, and place democracy in its stead."

Now, Gentlemen, when we attend to this letter, it is impossible not to conceive, that this Norwich Society, floating in a degree of uncertainty with respect to the views of other societies, was disposed, perhaps, to be content with the Duke of Richmond's plan only; to rest satisfied with it; but, at the same time to obtain whatever it could beyond it; and that this letter was written for the purpose for which it was supposed by the London Corresponding Society to have been written---for the purpose of knowing what was the true and real sentiments of

the London Corresponding Society. Now, Gentlemen, if the London Corresponding Society had intended to hold sacred the monarchy of the country, to hold sacred the House of Lords, and had no object in view, but establishing a new constitution of the House of Commons, by universal suffrage and annual Parliaments, what answer would they have given to this letter? Would they have hesitated in answering? Would they have described as in Lynam's evidence, and by the way I will observe, that Lynam's evidence throughout has been liable to be contradicted by hundreds of persons; and not one person is called to contradict a syllable of it---would they have deliberated as he has described them? Would they not have thought, that this letter was framed to draw them into some incautious declaration, and that in consequence they might be brought into some difficulty? Their answer, in that case, to this letter would have been, You totally mistake us; we have not the most distant idea of what you suppose, of ripping up monarchy by the roots, and placing democracy in its stead; our view is simply and only a reform in the House of Commons, upon the Duke of Richmond's plan. The answer to the letter was the most simple and plain imaginable: no man could have the slightest doubt that such an answer would have been returned; it never could have been matter for consideration or consultation; they would have treated this letter not as a letter to draw them in, except to draw them into that which they did not mean, as a letter which ought to be rejected with the utmost contempt. But what do they do? They deliberate upon this letter, which is dated the 11th of November, 1792, and at last, upon the 26th of November, they send this answer---it was first of all, "gentlemen," but that is scratched out, and "fellow-citizens" put in its place. Now, Gentlemen, observations have been made upon the word citizen: unquestionably, we are all citizens of the same state; and when the word citizen is used without any particular allusion, it certainly means nothing in any degree improper; but what is the comment which they themselves have given upon the word citizen? In a report of their Committee of Constitution, they distinguish between citizen and subject---"*Citizen*, the ancient appellation given to the members of free states; *Subject* can only, with propriety, be applied to a member of a state, whose government has been instituted by foreign conquest, or the prevalence of a domestic faction." Thus they have constantly, if you will recollect, Gentlemen, in all their papers, intimated the most gross falsehood, that the British Constitution was a government instituted by foreign conquest; meaning to assert, as Mr. Paine thinks proper to assert, most falsely, that the constitution of the government of this country was the result of the Norman conquest; whereas, in truth, all the alteration that conquest produced was, rather an alteration in the aristocratic part of the constitution,

constitution, than any thing else; and you must recollect, that the Saxon laws and institutions are the whole foundation of our government, and particularly that part of it which consists in the administration of justice, which is the great security of the liberties of the subject---Therefore, the word subject is not of the same import with them as when used by others; and who assert, that no persons are to be called subjects but those who are members of a state whose government has been instituted by foreign conquest, or the prevalence of a domestic faction. They mean to assert, that they are determined no longer to remain the subjects of the British Government, but to be fellow-citizens or fellow-kings of the same state.

Gentlemen, the letter having in its address the alteration from gentlemen to fellow-citizens, proceeds---“Your letter of the 11th instant was, by the secretary, laid before the Committee of Delegates of the London Corresponding Society. The London Corresponding Society, having never before heard of your society, wish to have some further information concerning it, as to its origin, its principles, and the number of its members: such an account, in your next letter, will give them great satisfaction.”

Now, Gentlemen, here they are writing to a society which they profess not before to have heard of. They ought to have been particularly cautious, because they could not have any possible knowledge of that which they here enquire after, the principles of its members. The letter proceeds---“They do not thoroughly comprehend how it would be possible to incorporate with our society three of your members residing in Norwich, in as much as it would be impossible to communicate to them, at that distance, all our correspondence; and they could not attend our committees where the business is transacted. If it is information you want, they will very readily answer any questions you may put to them, and to that end invite you to a regular correspondence. As to the object they have in view, they refer you to their addresses.” I shall take notice of those addresses presently, of which my learned friend reminds me, the Gentlemen for the prisoner have taken no notice whatever; not one single observation has been made upon these addresses, though these addresses are here expressly referred to, as containing the objects the society had in view; and, as they themselves say, containing the objects which they had in view. “As to the objects they have in view, they refer you to their addresses: you will therein see, that they mean to disseminate political knowledge, and thereby engage the judicious part of the nation to demand a restoration of their rights in annual Parliaments, the members of those Parliaments owing their election to the unbought, and even unbiassed suffrage of every citizen in possession of his reason, and not incapacitated by crimes. They consider the obtaining
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of such Parliaments to be the ground-work of every necessary reform: to this, therefore, they steadily adhere, and turn themselves neither to the right nor to the left, to follow any other plan whatever; the rules and orders of their society being so plain and easy, that if they can get a majority of the nation to act as they do, the proposed reform will effect itself. They look upon the trifling differences that may have arisen between the several societies to be of very little consequence, and think they will subside without any way injuring the cause." That trifling difference consisting in, whether the society meant to rest satisfied with the Duke of Richmond's plan only, or as the Friends of the People, propose a still less violent measure, or, as the Norwich Society ask, whether it is their design to rip up monarchy by its roots, and place democracy in its stead; and you observe, this word trifling is put in the place of the word little. They go on--- "They think it a matter of small importance whatever name you may choose to adopt: they advise you to follow their plan, and divide yourselves into small societies, each of which to choose a delegate; the delegates, when met, to form a committee and transact the business of the society; afterwards let each delegate report to his division the business so done; let him admit fresh members, communicate fresh intelligence, promote and encourage political discussion, or read such books as may convey the instruction your weaker members may stand in need of."--- Weaker members; a term very much in use at one time, a mind and reason not arrived at that height of enthusiasm, for what they called a good cause. "But above all," and then, Gentlemen, is struck out, "be careful to preserve good order among you." Now here comes the words which shew the meaning of the whole of this letter. The question put to them was, whether it was the private design to rip up monarchy by the roots, and place democracy in its stead. See what answer they give to this--- instead of expressing their indignation, instead of saying, How could you imagine that such was our intentions, how could you imagine that it was our design to rip up that which is so essential to the constitution of this country, the every essence of the government of this country being, that it is a limited monarchy, and the great end of that monarchy being, that it reduces actions to a single point, suppresses ambition, and gives us this security, that we need never fear a Roberfpierre, or any dictator, because we have a King at the head of all, to whose situation no other person can aspire, but whose situation is so limited by bound and known prerogative, that he cannot abuse it, without exciting the jealousy of all? The answer, Gentlemen, is very curious: it is---"Let no disputes be carried to excess; leave monarchy, democracy, and even religion, entirely out of your consideration; never dispute on those topics." What! never dispute on the topics of monarchy and democracy, on the propriety of establishing

ing the one or the other as the government of a country, when persons are considering what ought to be the reform and government of a country? "Let your endeavours go to increase the number of those who wish for a full and equal representation of the people, and leave to a Parliament, so chosen, to form plans for remedying the existing abuses. Should they not then answer your expectations at the year's end, you may choose others in their stead."

Now, Gentlemen, this letter which recommends leaving monarchy, democracy, and even religion, entirely alone, in effect states a plan of clear, pure democracy; for it says---"Let your endeavours go to increase the number of those who wish for a full and equal representation of the people, and leave to a Parliament, so chosen, (that is, an entire Parliament, chosen by a full and equal representation of the people, that is, an elective senate, for it can mean nothing else,) to form plans for remedying the existing abuses. Should they not then answer your expectations at the year's end, you may choose others in their stead."

Now, Gentlemen, this is not too strong a comment on the words I have observed upon, "those who wish for full and equal representation of the people, and leave to a Parliament so chosen," because, if you will look at the address of the London Corresponding Society of the 6th of August, 1792, they speak in clear, plain, and unquestionable language, of a Parliament so chosen, as that which is to accomplish all their purposes, when they referred in this letter to their addresses; when in this letter they wrote this passage, the same idea pressed upon their minds---namely, that by a full and equal representation of the people, and that by a Parliament chosen as they there state it, they meant a Parliament wholly elective, exclusive of a House of Lords.

And you will observe, Gentlemen, that in this address of the 6th of August, 1792, they describe it as the People's Parliament; and after taking notice of some things, which I shall have occasion to observe upon presently, they say, numerous other reforms would undoubtedly take place, even in the first session of Parliament so elected, depending only upon their electors, untorn by faction, uncorrupted by the Minister, and uninfluenced but by the public good.

Why, Gentlemen, if their views went merely to a reform in the representation of the people in the Commons' House of Parliament, in what sense could they have used those words? It is clear and plain, one paper reflects upon another---it is clear and plain, that that only could have been their intention.

Gentlemen, the letter proceeds, and contains something which it may be well to observe upon at this moment. You noticed the language of this letter to observe peace and good order among them---"Let no dispute be carried to excess; leave monarchy

narchy and democracy, and even religion, entirely aside; never dispute on those topics."

Now, Gentlemen, you have been told, that the prisoner at the bar never talked of the abolition of monarchy, never talked of the abolition of the House of Lords, and the establishment of democracy; but all his language was only of the Duke of Richmond's plan. Grant that it was so, what does it prove? That he observed the lesson he taught to others, and, perhaps, which this very letter might teach him to observe---to "leave monarchy, democracy, and religion, entirely aside, never to dispute on those topics; and to let his endeavours only go to increase the number of those who wish for a full and equal representation of the people, (according to the sense he meant to use these words,) and to leave to a Parliament so constituted to accomplish every object that he wished."

Gentlemen, this letter proceeds---"The committee offer you every assistance in their power, but request that your questions may relate chiefly to the method of obtaining a reform in Parliament." Still observing the same line, Don't put to us any such awkward questions---whether we mean the Duke of Richmond's plan, or whether we mean to rip up monarchy by the roots, and place democracy in its stead; don't ask us any such awkward questions; we don't like to give answer to them; we request that your questions may relate chiefly to the method of obtaining a reform in Parliament---"Like yourselves, they are friends to peace, not anarchy; well-wishers to the rights of man, and yet not so sanguine in their expectations as to imagine, that those rights will be restored by the spontaneous consent of those who have so long deprived mankind of them." You will observe, this letter from Norwich concludes---"I shall say no more at present, but remain a friend to peace, not to anarchy, a well-wisher to the rights of man, when obtained by consent." In the answer to it from the London Corresponding Society, they take up the same words, saying, like themselves they are friends to peace, not anarchy---well-wishers to the rights of man, and yet not so sanguine in their expectations to imagine, that their rights will be restored by the spontaneous consent of those who have so long deprived mankind of them. Why, then, you see, they expressly declare, that their views are not of that peaceable disposition as this Norwich Society---that they look to a degree at least of force, to take from the existing government of the country that form of government which has been established against its consent, and to taking it by such means as they themselves shall provide for the purpose.

Gentlemen, you will observe, these letters, and numberless others of the same description, which I might observe upon to you, clearly and distinctly, as it seems to me, shew the principles, the

the views, and the intentions of the persons who were engaged in this transaction, and the means by which they meant finally to accomplish their intentions.

Gentlemen, I think that we may fairly judge of the views and intentions, and even of the principles of a man, not only by what he himself declares, but by those of the company he keeps; by the principles of those whose character and whose acts he approves; by the principles of his publications; and if I am told I am not to judge of men by their opinions, but by their actions, I answer, I must judge of the object of their actions by their opinions.

Let me ask you, Gentlemen, suppose the Roman Catholics in the reign of William had set about a reform of religion, and for that purpose attempted to assemble a convention of the people, to act as the convention of the people in the reform of religion, could you have had a doubt what sort of reform they meant to effect? Could you have had a doubt that they meant to establish Popery? Would a doubt of it have existed in the mind of any man whatever? And one great reason that you could not have had a doubt of it would be, the intolerant principle of Popery: of Popery I say, though perhaps not of the Roman Catholic religion, because they, I know, make a distinction, and I believe in some degree well founded, between Papists and Roman Catholics; but the majority of those persons in England at that time were Papists, I believe, though not so now. When we advert to the papers here which have been laid before you, do not you observe exactly the very same principle of intolerance? That the French are just as intolerant as the Papists ever were; that they will not suffer any sort of government to exist in the world but their own government, because they say that the government which the light of reason discovers to man ought to prevail all over the world, and therefore they are bound in conscience to establish it. It is just the same obligation upon conscience in matters of policy as the Roman Catholics think they have in matters of religion, and which, in a certain degree, every man has in matters of religion, because every man thinks he ought to persuade others to take the same means in pursuit of happiness as he himself thinks to be right; but applying that to government, is dangerous in the highest degree, and tends to the destruction of every state; for no persons will agree upon the question, which are the most proper forms of government; no two persons, perhaps, ever agreed upon that subject. If, therefore, persons lay down certain principles, and act on this ground, that those principles are so clearly from the light of reason, that they ought to be established throughout the world, and that it is highly meritorious to establish those principles throughout the world, they act upon a principle of intolerance, just as great and just as dangerous as that of the Papists,

Gentlemen, these societies, during the years 1792, 1793, and 1794, professed to consider no government as lawful but this founded upon the indefeasible rights of man, as taught the French by Mr. Paine and Mr. Barlow, and who professed to admire every thing done in France---the extinction of treacherous royalty and all hereditary distinctions, a confiscation of property; and by and by there is a passage in one of the papers of the London Corresponding Society goes very near to the confiscation of property---I mean that with respect to the establishment of equal active citizenship; and those that wish to fraternize with them, they tender them republican alliance; they call for their assistance in the great work of the emancipation of the world, and in which, according to their own declaration, they must have included themselves; for they have repeatedly declared they considered themselves as slaves, and have repeatedly declared that they considered the glorious victory of the 10th of August not only as effecting the emancipation of the French, but also their own emancipation. If such men, therefore, declare their intention to reform the government of Britain, and take steps for that purpose, and especially if, on the steps they take, they endeavour to assemble a Convention that should act in the character of a Convention of the People, can any thing but the destruction of the English government be their end? Is it possible to imagine that any other object can be their end? because if they should once have it in their power to effect any reform, can they, upon their principle, stop short of that reform which they declare can only constitute a lawful government? It is not in the nature of things. If men once get it into their power to make a reform, and lay it down as a principle that the only just rule of establishing a government is the establishment of the indefeasible and imprescriptible rights of man, with all their consequences, the necessary result is, that the moment they get it into their power to effect a reform, they will do the whole; it is impossible to doubt it.

But, Gentlemen, I say, it is not simply the sentiments which the prisoner and others have declared, by what I have stated to you, but resolutions to act upon opinions. Why, Gentlemen, by their addresses to the French National Convention, they have declared not only their opinion and their wish to make that government republican, but a resolution to effect it: they resolve that they mean to make the government of this country republican, and then they declare they have entered into a complete conspiracy for the reformation of the government of the country; for when men entertain an opinion, and enter into resolutions to accomplish their opinions, that is a conspiracy: if that is not a conspiracy, I don't know what is. And they declare not only that such is their wish, their opinion, and their resolution, but they shew and declare how and by what means they shall accomplish

plish that resolution, and to bring it into effect---namely, that they intend to bring it about by a Convention of the People, and to establish in this country that sort of government which should enable the French National Convention to address them, not as a constituted assembly merely, but as the governing power of the country.

Gentlemen, this is the construction that has been put upon similar proceedings. In one case, the case of Crohagan, which was mentioned by one of my learned friends---What was that case? The man declared his opinion, that the King ought to be killed: he declared his wish to effect it; and he declared his resolution to effect it, if he could come at him. He was then in Spain, and, having done, he came to England. What was the interpretation the Jury put upon it? It was this---that he came to England for the purpose of effecting that resolution which he had in Spain declared---namely, that he would kill the King, if he could come at him; and I never heard the authority of that decision controverted, but always stated as an illustration of a principle: but if he had declared not only that he had formed this resolution of killing the King, but that he intended to do it by a particular instrument, and afterwards provided such an instrument, how strongly would that shew his purpose? And let us suppose that that instrument was of a particular construction, not what was ordinarily used, you would say there was not a possibility of doubt of what could be his intent. Now, let us see how this Corresponding Society, and those that were in league with them, (I mean the leading members,) proceeded to carry that resolution into effect, which it seems to me they had clearly and expressly demonstrated in those addresses to the National Convention, and in the addresses of the London Corresponding Society, which I shall presently mention to you, and in a letter which I have observed upon---I say let us see how they proceeded to carry them into effect.

Gentlemen, this is necessarily the deduction from the fact. But what is the reason? because, in the nature of the thing, a resolution of this kind could not be carried into effect in a moment: the only means by which it could be effected was, by raising up a strong party in this country to assist them and co-operate with them in the completion of their intention.

Gentlemen, the Revolution in France has proceeded from very small beginnings to the height at which it has arrived---traced from its source, we shall find so much similarity between what has happened there, and the nature of the attempt made here, so far as it has gone in this country, that I think we shall see that the difference of events has arisen from the difference of circumstances. The ancient government of France, Gentlemen, had become so odious to all ranks of the people, that the opinion of the people, by which alone a government can be sup-

ported, failing all at once, the whole fabric fell together, almost without a struggle; and it was obvious to every one, that the meeting of the States-General in the year 1789, must produce a change in the government of the country; and for this plain reason---that the opinion of a vast majority of the people was changed with respect to their government, and when that shall be the case, the government of no country can stand. The government of Great Britain, on the contrary, has long been an object of attraction: we are in the habit of considering that it has produced, during a course of years, great public good; we view it with all its faults, with all its imperfections: but the result of the whole is, wishing, as all of us may honestly, to give it as much perfection as we can; and, I am sorry to see many of the abuses which prevail in it; yet, notwithstanding, we view it with a great degree of attachment and reverence.

We may be told, perhaps, Gentlemen, and so we have been told by the writers upon this subject, that all this is prejudice. Prejudice, Gentlemen! what are the opinions we form upon the greatest number of subjects, but such as may be deemed prejudices? Why, Gentlemen, is the mind of any man capable of reflecting in all its extent upon every thing which comes before his view? We are obliged necessarily to take a great deal by the instruction of others, which, upon the whole, makes the important difference between men of education, and men of no education; for education is, in a great degree, instilling, in this point of view, prejudices in the mind of man; it is giving them the benefit of the opinion of others, teaching them in early life to rest satisfied with the deductions which have brought the minds of other men to this point, to take them as data, as principles on which they proceed, to reason on them, and to act upon them in their future life. Men of great leisure and depth of penetration, who have the opportunity of contemplating objects with more minuteness, who are not engaged in business in any way which distracts their attention, such men may speculate upon various subjects, but the generality of men, in a busy world, cannot possibly have leisure for such speculations; and the great majority of the people in every country, let the nature of its government be what it may, must necessarily be so much employed in obtaining the ordinary comforts of life, that it is impossible for them to employ their minds upon such subjects with any good degree of attention.

Gentlemen, this sort of prejudice it is which influences the minds of the people, with respect to the government of this country. It possesses their good opinion. Why? Because they have been taught---because it has been handed down to them by their forefathers, that it has, for a great course of years, produced a greater portion of happiness to the people of the country, than what has been enjoyed from the government of other countries.

Why

Why it has done so, very few men have the leisure to reflect, few men have the ability to pursue: perhaps no man is capable of viewing it in all its extent, in all its consequences, seeing all the minute parts of it, how they move one in another. But we know that the result of the whole, as combined in principle and practice, is in a certain extent good, and therefore we are attached to it.

This, Gentlemen, is unquestionably a degree of prejudice, but it is that sort of prejudice by which a government must alone be supported---a prejudice of public opinion; and the first attempt to destroy a government must necessarily be to destroy that prejudice of public opinion in its favour, which is its support. The first operation of those who conspired the destruction of the government of France, was, unquestionably, to destroy it in the public opinion, and that was completely effected before the meeting of the States-General in 1789; having done that, they removed every thing which supported that government, and it necessarily fell.

Gentlemen, those who have imitated the proceedings of the French in this country, and imitators I call them---not because they make use of such a word as Convention, not because they talk of organizing, and appoint committees for various purposes, such as were made use of in the French Convention, where, I believe, by the bye, they adopted the word from the English, for I doubt whether it is a French word---but because they have proceeded directly upon the plan which has succeeded in France in overturning the government, and proceeded not only upon the plan which destroyed the government previous to 1789, but which destroyed the constitution of 1791, which was the most popular constitution, with a King at their head, than any that was ever constituted in any country; because the King of the French, as he was called, had very little authority in that constitution, except some particular prerogatives were given him, which tended, perhaps, to enable him to resume again a certain degree of power which they might think necessary to keep the whole together, and keep the mass from tumbling to pieces.

Gentlemen, Mr. Paine was fully aware of the effect of all this. He tells you, in his great affection for this country, that during the American war he had it in contemplation: having transferred all his love for his native country to America, declared himself a citizen of the world; which expression is an expression which tends to destroy every tie of civil society; for the moment a man becomes a citizen of the world, he becomes, in some degree, an enemy to his own country and the affections of family---those natural attachments which have hitherto been considered as the best affections of man, which the principles of these men lead directly to destroy. Mr. Paine says, he had conceived the idea of coming into this country during the American war,

keeping

keeping quiet until he could publish a book which should have the effect of overturning the government of this country. That he mentions in a note, which shews by what means he meant to attack it--namely, in the public opinion.

Mr. Paine opens the Dedication of his Second Part of the Rights of Man, by observing, that what had been said of the mechanical powers, might be applied to reason and liberty; had he a place to stand upon he might raise the world. Now, Gentlemen, by the propagation of his principles he considers, and so he boldly declares, that the propagation of these principles was that great standing-place by means of which he hoped to raise the world.

Gentlemen, you will observe, that an impression was raised in the minds of all these people, from what had passed in France, in the course of the years 1789, 1790, 1791, and was a prelude only to that which afterwards would follow, long before the 10th of August, 1792; and that 10th of August, 1792, was the glorious victory which completed their triumph. They considered the world as in a course of revolutions, and, in the phrase of Mr. Paine, that revolutions were the order of the day. That circumstance left an impression upon the minds of these people, that the world was in a course of revolutions, and that revolutions were the order of the day. It appears throughout in almost all their papers. You will find it was distinctly impressed upon their minds, that they considered a revolution as inevitable, as that to which the thing must come. They have been likewise taught, that danger (for so Paine tells them) to which alone this sort of revolutionary principle was liable, was, its being attempted before the principles upon which revolutions ought to proceed, and the advantages to result from them were sufficiently seen and understood; therefore, the object of the works of Mr. Paine and Mr. Barlow, and of works of that description, was, in order to shew the people of this country the principles on which revolutions ought to proceed, and the advantages resulting from it; and, in order that these being understood, the rest might follow without a difficulty.

Gentlemen, for this purpose a variety of pamphlets have been published, which have been observed upon. Now, Gentlemen, those pamphlets most clearly tend, and have unquestionably for their object, to destroy the opinion which the people generally had of the excellency of the British constitution in all its parts; but more especially in those two parts which the Counsel for the prisoner have said it was the object of the prisoner to retain; for these books consider them as destructive of all government, founded upon the principle of the rights of man. If the persons who were engaged in this did not mean to destroy this government, why did they endeavour to destroy the public opinion with respect to it? Why should they attempt to do that, if they

they meant to reform the constitution? Why should they declare that no constitution existed? for declaring that, was a declaration, that, whatever they meant to do with the present constitution, they meant to adopt it as a new establishment, and not as a part of the old establishment, because they considered that it was a constitution unlawfully established, and, therefore, in point of principle, that it ought not to remain.

Gentlemen, the ease with which men's minds are induced to believe that things pass wrong in the state, has often been observed upon. It is said by an honourable writer in our country, that he that goes about to persuade a multitude they are not so well governed as they ought to be, shall never want faithful adherents; who do not consider that abuses are occasioned by secret lets and difficulties, which, in all public proceedings are inevitable, and which they have not, ordinarily, the judgement to consider. In this view, all those pamphlets were written, holding out every thing, in the most glaring colours, that was a defect; never once telling the people that they ought to consider what were the secret lets and difficulties, which in all public proceedings were innumerable and inevitable, and which, therefore, ought to make all persons extremely cautious what they say with respect to the abuses of government; for, without very minutely attending to it, they may not be aware of those secret lets and difficulties which occasion those abuses, and which may be inevitable from the prejudices and passions of men, which must be considered, when people consider, not only the constitution, but the administration of the country.

But for the purpose of a systematic attack upon the government of the country, it is necessary that there should be some leaders, some head to direct the whole.---Why, Gentlemen, it has been observed in France what was the wonderful effect of the societies that have been established there, I mean the Jacobin Club, with its 44,000 affiliated popular societies, which has, for a great length of time, really governed France, kept it in continual agitation; and the persons who were employed upon this subject, seemed to me to conceive the idea of proceeding precisely upon the same principle. You will remember that letter which directly says, that the several societies ought to unite together in order to proceed in one union, observing that it was by this means that in France they finally obtained their ends. You will recollect the letter to which I refer---it is a letter which, in the most express terms, though my memory does not serve me with the date of it to point it out, declares that these clubs were formed upon the same plan, and upon the very principle, with the Jacobin Club, and its affiliated societies, and with the same object in view---namely, intending to make the whole mass as one entire body, in order finally to accomplish their wishes.

Gentlemen,

Gentlemen, one society made use of for this purpose was the Society for Constitutional Information. With respect to that society, this observation is to be made---that it originally consisted of gentlemen of respectable characters and independent principles: some of them might perhaps be soured with discontents, which discontents might be carried to great lengths, but not likely to answer the ends of these persons; but other persons getting in this club from time to time, began to use language, and to conduct themselves in such a manner, that in consequence of which almost all the original members of the club deserted it; and, at last, you will recollect, when the proceedings of the society were read, about sixteen or seventeen appear to be the whole of the persons who regularly attended that club---very often there were five, six, or seven persons only present; the whole business, however, with respect to many of them, was transacted with a considerable degree of inattention; and if you advert to those who were present on the most important transactions, you will perceive a very few persons indeed guided and directed that club---a constant attendant upon which was Mr. Horne Tooke.

But, Gentlemen, you will perceive, that such a society as this could not be made to operate as a Jacobin Club, because it could not be made a popular society, from the nature of its constitution; and, therefore, though in the original state of the society they were considered as a very respectable set of members, and though those respectable men left them from time to time, as appears in evidence---for one of the gentlemen, Mr. Sheridan, said, he had not been at the society for eight or ten years, and that was a thing not generally known to the world; therefore the proceedings signed in the papers had, in the eye of the world, all the effect of these names, for they have, in effect, continued the names of all those persons who had, at any time, been members of the society: it was, therefore, necessary to keep up that sort of character and reputation in this society, and, at the same time, to form another society which should act in conformity to their plan; and with that view this London Corresponding Society was established by the prisoner, in conjunction with certain other persons, he taking on himself the character of secretary.

Now, Gentlemen, the consequence of this has been, that the prisoner at the bar has stood as the clear leader in all these transactions. By leader, I mean the person whose name appears completely forward in all the transactions, and who is involved, therefore, in all; and he became afterwards, by association, a member of the Society for Constitutional Information.

Gentlemen, the plan of the constitution of this London Corresponding Society was admirably calculated to this effect; its name imports, the object of it was to correspond with all other societies of that description, and so unite all the country societies
with

with this society in London, and the Society for Constitutional Information, to make them move in one bond of union, in the manner stated in that letter I have read. Now the plan of this London Society was extremely popular in its general constitution; any person, of any description, might have been a member, the sums collected from them were very small, they were to be formed into divisions, and, when they amounted to a certain number, they were to be divided again, and spread over the whole town, and then to have for each division a delegate, which delegates were to form a Committee of Delegates, and the Committee of Delegates to be guided by a Committee of Correspondence, and that Committee of Correspondence finally became that Committee of Secrecy which I before observed upon to you.

And, Gentlemen, they have, in three publications which they have given to the world, and which the Gentlemen on the other side have not in any degree observed upon, they have declared their principles and objects, so far as they thought it proper and safe to declare them, in the manner in which they expressed themselves in the answer to that Norwich letter; for I beg, Gentlemen, you will have always in view the answer to that Norwich letter, for that is a key to all their language; it directs them to leave monarchy, democracy, and all disputes upon that subject, alone; but to look forward to that distinct object, the obtaining a full and fair representation of the people in Parliament; and meaning by that, as I conceive they plainly mean by this letter, a full and equal representation of the people in Parliament, and leave to a Parliament so chosen, to form plans for remedying the existing abuses; so that the intention was to keep, as much as possible, out of all their publications, any thing about monarchy, any thing about democracy; but at the same time to express themselves in such a manner as should convey completely, to those who choose to understand them, all that they meant.

Now, Gentlemen, the first address of the London Corresponding Society of May 1792, but which was concerted, as the evidence has clearly shewn to you, between the prisoner at the bar and a few other individuals, at a much earlier period, begins thus---“ Assured that man, individual man, may claim liberty as his birth-right, we naturally conclude that, as a member of society, it becomes his indispensable duty to preserve inviolate that liberty for the benefit of his fellow-citizens, and of his and their posterity. For as in associating he gave up certain of his rights, in order to secure the possession of the remainder, and voluntarily yielded up only as much as was necessary for the general good, so he may not barter away the liberties of his posterity, nor desert the common cause, by tamely and supinely suffering to be purloined from the people, of whom he makes a part, their natural and unalienable rights of resistance to oppression, and

of sharing in the government of their country, without the full and uninterrupted exercise of which rights no man can, with truth, call himself or his country free."

Now you will recollect, Gentlemen, that throughout every one of their papers they have universally declared, that they have considered the existing government of the country as an usurpation and oppression; and therefore when they declare their right of resistance to oppression, they declare their right to resist the existing government of the country, and all their proceedings are directed in conformity to that; for the proceedings of the Scotch Convention, and of the Globe Tavern, in April, 1794, go upon this plan of unalienable right of resistance to oppression, so that they had nothing to do but to call any thing oppression. They then, when they had declared their unalienable right to resist oppression, had declared their right to resist that particular form of oppression.

Gentlemen, they also declare their right to share in the government of the country, making use of the word government, (upon which I before observed, and which will be found to be universal in all their publications,) making use of that word instead of the word used in Mr. Horne Tooke's letter, sharing in the election of those persons who were to make the laws by which they were to be governed: the change is extremely remarkable from that which appears in that book. Then they resolve that every individual has a right to share in the government of that society, and so on. Their fourth resolve is, that the people of Great Britain are not effectually represented in Parliament, not confining it to the House of Commons, though it may be so interpreted; but it is capable of that construction, though that is not the obvious construction. Their seventh resolution is, that a fair, equal, and impartial representation can never take place until all partial privileges are abolished. That seems to be a clear declaration of it. Their first resolution is, "That every individual has a right to share in the government of that society of which he is a member, unless incapacitated." Now that they could not possibly have, unless the right was in the persons who are to have a share in the government of the country, by having a voice at least in the election of persons to administer that government. The fourth resolve is, "That the people of Great Britain are not effectually represented in Parliament;" and then they say, that a fair, equal, and impartial representation of the people in Parliament can never take place until all partial privileges are abolished. Now these partial privileges apply as much to the existing Peerage as a part of the Parliament, as any one thing whatever.

Now, Gentlemen, it is plain that this amounts to the clear resolution that every individual has a right to a share in the government of that society; meaning, to share in the election of those

those persons by whom that government is to be administered. If we take the fourth, sixth, and seventh resolutions together, they clearly shew that they meant to have a wholly elective Parliament.

Gentlemen, their second address was published on the 24th of May, 1792, and in that address they state a sort of test, as it has been called, which they propose to administer to every member upon his admission. Now, Gentlemen, the only ground upon which tests of any kind can possibly be supported is, that in the administration of the government of a country, it is necessary for the safety of the government of that country, that the persons who compose the actual administration of the government should not be adverse to the principles upon which that government is formed: that is the only ground, as it strikes me, upon which any test whatever can be supported: but a test in a society, which was to have for its object the fair discussion of the principles of government, seems the most extraordinary thing in the world; for these questions are to be put to them:---

They are asked---“First, are you convinced that the parliamentary representation of this country is at present inadequate and imperfect?---Secondly, that the welfare of these kingdoms requires that every person of adult years, in the possession of his reason, and not incapacitated by crimes, should have a vote for a member of Parliament?---Thirdly, will you endeavour, by all justifiable means, to promote such reformation in Parliament?”

Why here, Gentlemen, they bind at once all their members to one certain object, and to using all which they call justifiable means. Justifiable is a very large word---“All justifiable means to promote such reformation.”

Gentlemen, in consequence of this, is it then to be conceived that persons who became members of this society, I mean those that were the leading and active members in it, intended that there should be, in any Convention that should assemble, a full and fair discussion of the constitution of this country in it; that it should in all its parts be tried, that the will and wishes of the people should be taken? No, they could not possibly mean any such thing; they meant to establish a tyranny of their own clubs; they meant to establish and to assume that which was not to be disputed, and which alone were to govern all the discussions of that society, then afterwards to confirm it by a Convention of the People. The report of the Committee of Constitution contains exactly the same resolution, with this variation only---that the words “the welfare of these kingdoms,” are omitted: why those words were omitted, is not difficult to discover, when one recollects that in one of the letters which was read that came from one of the societies in the country, the word kingdom was altered for country in two different places.

Gentlemen, it is also clear, from that Committee of Constitution to which I have just referred, that the persons who composed this society were fully aware that the opinions of the great majority of the people of the country were not with them, for one of their resolutions is---“ That no majority, however great, can justly deprive the minority of any part of their civil rights: whenever it is attempted, the social bond is broken, and the minority have a right to resist:” and this, in case they are deprived of any part of their civil rights. Then what are these civil rights?

The fourth resolution is this---“ The civil rights of any individual are, equality of voice in the making of laws, and in the choice of those persons by whom the laws are to be administered.” There they have expressly told you what they mean by the right of every individual to share in that government of which he is a member, unless he is incapacitated. It is not simply an equality of voice in making of laws, but likewise in the choice of these persons by whom those laws are to be administered. Why, Gentlemen, does the spirit of the British constitution in any degree permit that there shall be an equality of choice of the persons by whom those laws are to be administered? Can a more clear and explicit declaration of republicanism be made than this---“ That the civil rights of any individual are, equality of voice in the making of laws, and in the choice of those by whom those laws are to be administered?” And that declaration, that this right every person has a right to exercise, and that no majority, however great, can justly deprive the minority of any part of that right; that whenever it is attempted, the social bond is broken, and that the minority have a right to resist?---I don't wonder that my learned friend did not make any effectual observation upon this; and, Gentlemen, it is impossible to make any observation upon it, I mean for the benefit of the prisoner, because it is clear and plain beyond the possibility of doubt. Here are persons declaring a principle so wild, that it is impossible for any government to exist. It has generally been conceived, that it was a very strong thing to say that the majority have a right to alter the government but upon a very strong necessity: here are a number of people assembled in a country, whose habits, connections, and every thing, makes them wish to remain in that country: they have assembled there on certain terms which form their constitution; they have formed a sort of association, and every individual has as great a right to that association as to his property. If you wish to take away that constitution of the government, and he is willing to live under that constitution, it is injuring him as materially as to take away his property; and cases of necessity may happen where it may be lawful to take away even the right every man has to his

his own life ; as if two men were floating upon a plank in the sea, and the plank would not support but one, it has been said that the stronger man would be justifiable in turning the other overboard.

(Here the Solicitor General was interrupted by a flow of tears.)

Gentlemen, I own I was overcome by the dreadful alternative to which the other man was reduced. It is commonly observed, the stronger would be justifiable, perhaps, in pushing the weaker from the plank in that situation ; but if we feel so much when a man is reduced to such a situation, if we feel that nothing but absolute necessity will justify that, what will justify men, who, without a very strong necessity, should attempt to disturb the government of a country, and which a very large portion of the inhabitants of that country wish to retain as established ? And if men are not justifiable who carry their principles this length, not only that even a large majority of the country ought not to alter the established government of it against the consent of the minority, without extreme necessity, what shall we say to those men who assert, that no majority, however great, can justly deprive the minority of any part of their civil rights ; and that whenever it is attempted, the social bond is broken, and the minority have a right to resist ; and then, assuming as a part of those civil rights, equality in the voice of making of laws, and in the election of those by whom such laws are to be administered ? Is not this a declaration clear and plain, that they conceive they have an unquestionable right to resist any government that is not a republican government, founded upon their principles of universal representation, and that any other government is so unlawful, that they are not only not bound to give it support, but they have a right to resist it to the utmost of their power, and in any manner they think proper ?

Why, Gentlemen, it is a resolution which preaches, completely and absolutely, rebellion against every government, not founded upon their principles ; and yet I am told, that men who hold such principles, who come to solemn resolutions upon them, are men who have perfect reverence for the Monarchy of this country, for the hereditary Peerage, for every part of the government of the country, except the corrupt representation of the House of Commons.

Gentlemen, the address of the London Corresponding Society of the 6th of August, 1792, proceeds exactly upon these principles ; and when you consider this resolution in the report of the Committee of Constitution, I think you cannot have a doubt in your own minds, that every thing which tends the other way, in any part of their publications, are what the Attorney General represented, mere veils to cover their pretences ; but so thin, so thread-

thread-bare, and so tattered, that the naked limb is starting out at every hole.

Gentlemen, this address of the 6th of August, 1792, begins by those lines from Thomson, which my learned friend read so well, as he always does, from the natural talents which he has for that purpose; but who will dispute any one principle it contains? and yet if passages are to be taken from books, the best of books may be perverted to the worst of purposes; no book has been more perverted than the Bible.---It begins, "The Address of the London Corresponding Society, to the inhabitants of Great-Britain, for the purpose of obtaining a parliamentary reform.

"Fellow-citizens of every rank, and of every situation in life, rich, poor, high or low, we address you all as our brethren, on a subject of the highest importance, and most intimately connected with the welfare of every individual, who deems liberty a blessing, who partakes in the prosperity of his country, and who wishes to transmit as much of either as he can to posterity.

"Uninfluenced by party pique or selfish motives, no ways affrighted at the frowns of power, not in the least awed by the evidently hostile preparations of a much-alarmed aristocracy;"---here conveying, for the first time, that idea which was to end in arming that party; the same idea which you see afterwards developed with so much success;---"not in the least awed by the evidently hostile preparations of a much-alarmed aristocracy, We, the London Corresponding Society, united with a view of obtaining a thorough parliamentary reform, anxiously demand your serious and most collected attention to the present vitiated state of the British government, we intreat you to examine coolly and impartially, the numerous abuses that prevail therein; their destructive consequences on the poor, and their evil tendency on all; as also the rapidity with which these abuses increase, both in number and magnitude."

Now, I think, you will observe, that in all the addresses, and in all the papers of these societies, there has been a great attempt to excite the poor to be on their side, to interest the poor in their favour, and to make them the great objects of their attention; to hold out, that the wishes of these people were principally for the relief of the poor. Mr. Paine's works are very much upon that principle, and in a number of other parts of the case you will have observed the same sort of idea. Nay, in one of the letters, which I shall by and by observe upon, a distinction is deliberately and expressly drawn between the poor and rich in a letter of Mr. Margarot's, where he says, the rich are arming, why should not the poor do so likewise?

It next proceeds, "We next submit to your examination an effectual mode of putting a stop to them, and of thereby restoring
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to our no less boasted than impaired constitution its pristine vigour and purity; and we thereunto warmly solicit the junction of your efforts with ours.

“ This great end, however, we believe attainable solely by the whole nation, deeply impressed with a sense of its wrongs, uniting, and as it were with one voice, demanding of those, to whom for a while it has entrusted its sovereignty, a restoration of annually elected Parliaments, unbiassed and unbought elections, and an equal representation of the whole body of the people.”

You will recollect, Gentlemen, that these are words which are frequently made use of---words, which admit of a great deal of interpretation one way or other. But, Gentlemen, it strikes me, that this very address contains completely that interpretation which they themselves meant to put upon it. Having proceeded to state the situation of the different persons of this country, and especially the poor, they then proceed to mislead, by saying, that “ Laying aside all pretensions to originality, we claim no other merit than that of reconsidering and verifying what has already been urged in our common cause, by the Duke of Richmond, Mr. Pitt, and their then honest party, years back, who now pursue a different conduct.” They then state, that “ Such being the forlorn situation of three-fourths of the nation, how is Britain to obtain information and redress? Will the Court, will Ministry afford either? Will Parliament grant them? Will the Nobles or the Clergy ease the People’s sufferings? No. Experience tells us, and proclamations confirm it, that the interest and the intention of power are combined to keep the nation in torpid ignorance.”

Gentlemen, men making use of that expression, (and you observe how this expression is echoed back in all the letters sent to the country societies,) men making use of that expression, to state they are men who had it in their view to obtain from the existing legislative authority of the country that alteration which they propose, seems to me to be perfectly absurd. I would observe too here upon another part of this address, where it notices proclamations, because it has been urged, that those who engaged in these transactions ought to have been warned of their danger. To which I answer, that the proclamation which is here noticed, the associations of the rich for the support of the government, and a variety of other acts, clearly and explicitly declared to them, that they were taking steps which might lead to the most dangerous consequences; pointing out to them, that those who had the direction of government conceived, that the safety of the state was in danger---that there was a conspiracy formed to subvert the government, to undermine the constitution of the country, This they are distinctly told, and told it over and over again, in a variety of ways; and those very associations of
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the rich shewed, that the rich apprehended that to be the case, that they conceived there was an intention to make that sort of alteration.

Why, then, Gentlemen, under these circumstances, ought a society, who had only in their view a reform of Parliament, under clear and explicit regulations, to have expressed themselves in such language? Applying only to the House of Commons, ought they to have expressed themselves in this way? "The only resource, then, friends and fellow-citizens, will be found in those societies, which, instituted with a view to the public good, promote a general instruction in our rights as men, expose the abuses of those in power, and point out the only constitutional, the only effectual means of forwarding public investigation, and obtaining a complete redress for the people, in whose credulous good-nature originated their present difficulties." Clearly and directly pointing to that Convention which has since been attempted to be established. This address likewise points out the very same thing which is noticed in this Norwich letter, which indeed refers to this address. The address says, "Yet, fellow-citizens, numerous as are our grievances, and close rivetted as weighty the shackles on our freedom, reform one abuse, and the others will all disappear. If we once regain an annually elected Parliament, and that Parliament to be fairly chosen by all, the people will again share in the government of their country, and their then unbought, unbiassed suffrages, must undoubtedly select a majority of honest members." Gentlemen, the letter, you will observe, in answer to the Norwich letter, says---"Leave monarchy, democracy, and even religion, entirely out of your consideration; let your endeavours go to increase the number of those who wish for a full and equal representation of the people, and leave to a Parliament, so chosen, to form plans for remedying the existing abuses." So that, Gentlemen, this letter, commenting completely upon this address, shews you what they meant, and shews you that they meant, in their words, to leave monarchy and democracy alone, but to hold out that which they thought, under the cover of language, they might safely hold out; and at the same time having unquestionably in view the destruction of monarchy, and the establishment of democracy, which you cannot have the shadow of doubt, when you consider that letter, and the particular passages I have read from the report of the Committee of Constitution.

Gentlemen, there are two things in this address which strike me in a very extraordinary manner---one of them is, describing what such a Parliament, an elective Parliament, as they describe it, would do when they assembled. They say---"That such a Parliament, finding that a most extraordinary waste of public money had taken place under the different pretences of places, pensions,

pensions, contracts, armaments, subsidies, secret-service money, &c. Our honest and annual Parliament would, after narrowly scrutinizing the same, retrench every sum needlessly or wickedly laid out."

Gentlemen, you will observe, this refers to a waste of public money which had taken place; and it says, it would retrench every sum needlessly or wickedly laid out, and that in future they would retrench expences, and prevent the laying out such sums. I leave it to you, to make a comment upon that letter; I will not attempt to do it. Gentlemen, here is a passage which speaks for itself, and which I take to be of the same description as that I last mentioned---"The people's Parliament finding that, under various pretences, grants of common land had been obtained by sundry persons, no ways to the benefit of the community, but very much to the distress of the poor, the same would be soon restored to the public; and the robbed peasant again enabled annually to supply his distressed family with an increased quantity of bread out of the profit arising from the liberty regained, of grazing a cow, two or three sheep, or a brood of geese, thereon."

Now, Gentlemen, what can that possibly mean but all those commons which, by the general consent of persons who were interested in them, under the authority of acts of Parliament, or any other manner, have been inclosed, shall be taken from the present proprietors, and divided among the poor, in order to gain them to their party? I can give it no other construction; and I conceive there cannot be any thing which tends more to destroy all ideas of settled property, than to tell the people that grants of lands have been improperly made by the Crown; because, under that idea, the whole grants of lands might be destroyed; for I cannot form a calculation of the immense quantity of land which, within twenty years, has become enclosed lands by acts of Parliament, upon which many persons have expended a great part of their fortunes, in which, generally speaking, those who had rights of common have had those rights compensated for in some way or other. If once an attack is made to unsettle rights gained in such a manner, and so established, all right and property would be in danger; it goes directly to the destruction of all right of property. And this is precisely what has been done in France; for there, under pretence of the rights of the public, a vast quantity of property, which had been granted, at a vast distance of time, by the Crown, to individuals, (as vast numbers of estates in this country are held under grants from the Crown;) just in this sort of case did the first French National Assembly act: they were guilty of that gross injustice, in taking away an immense quantity of property from various people, which had been acquired in different ways, in taking them into the hands of the public, because it was said

they had been originally granted improperly; and here the principle is suggested of the improper grant of Crown lands; they mention particularly that "grants of lands had been obtained by sundry persons no ways to the benefit of the community." And, Gentlemen, this is held out clearly and unquestionably for the purpose of gaining the poorest part of the people to their side.

Now, Gentlemen, there are two passages in this address---one referring to a subject upon which I shall make no comment, because I think it very clear and very plain, but I will leave to you to make the comment; but upon the other, I have ventured to make a comment, for it appears to me, that the title to all property is attacked and put in hazard; and as I happen to be upon the subject, I will recall your attention to part of the motion in Lynam's evidence, with respect to the divisions in Spitalfields. I only wish you to bear in mind now, as I by and by wish you particularly to notice it, at present I only wish you to bear in mind, that the Spitalfields divisions were likely to produce as many members as all the rest of the divisions put together: they were proper to be supported, and they were to receive assistance from all the other societies, because the small subscriptions of a penny a week to be made by the other societies might be inconvenient. Judge if this was not a part of this general plan; and recollect, if what Mr. Lynam stated on that subject had been untrue, there could be no difficulty whatever in contradicting it; and therefore whatever imputation may be thrown upon him or other persons as spies, and so on, you must believe that to be true; because, when he stated a fact capable of being contradicted by hundreds and hundreds of witnesses, and not one is called, you must necessarily give it credit; for by that means it gains a strength and firmness.

Gentlemen, this address proceeds---"Numerous other reforms would undoubtedly take place, even in the first session of Parliament so elected, dependent only on their electors, the people; untorn therefore by faction, undivided by party, uncorrupted by ministry, and uninfluenced but by the public good." A passage which, as I before observed, is utterly inconsistent with the existence of a House of Peers, because it is impossible to conceive that this passage should refer to a Parliament which is described to be so elected, and dependent only upon the electors' will, the very object of a House of Peers being as a middle body in the constitution of the government, which should not be so elected, but being of a middle description, should form a barrier between the King and the Commons, to keep the balance between both, as the one or the other preponderated. And it is a remarkable thing in this country, that at the time when the liberties of the country were most in danger, from the overbearing influence of the Crown, and which occasioned the civil wars between the

two Houses of York and Lancaster, when almost all the great families had been extinguished, by the accident attending those wars, as it naturally will impede population, and so many persons coming to their death, being destroyed in the field, or upon the scaffold, and a confiscation afterwards taking place; so that, according to my recollection, when Henry VII. ascended to the throne, there remained only about thirty Peers in the Parliament; and he seeing wisely the advantage that that gave him, scarcely added to the number of that House: the consequence of that was, that there was not that middle body to stand between the Crown and the People; and all the dangerous exertions which led to all that happened in the time of Charles I. will be found to have existed in the government of Henry VII. and Henry VIII. during the time that the Peerage of the country was in that situation, when it could not form that barrier which, in the nature of the constitution, it was intended it should form.

Gentlemen, I have now gone to a length to which I did not intend to go---commented upon the establishment of the London Corresponding Society, upon these addresses, and upon its constitution; and it seems to me, that these alone would be sufficient to shew, that the object and intention, that the formed resolution---for I think we do injustice when we call it intention, opinion, or conception, it was a formed resolution---that the formed resolution of these societies, that is, of the leading members of them, was to establish in this country a democratical form of government; a form of government more democratic than that existing in any country, except that we conceive it to exist now in France, utterly incompatible with, and therefore necessarily destroying the monarchical part of our government; that it is therefore a clear demonstration of a conspiracy to depose the King, and that any act taken in pursuance of that conspiracy is, beyond all question, an act of high treason.

Gentlemen, in the course of the correspondence, and in the course of these transactions, there was one very artful proceeding. I believe it was observed upon by the Attorney General---the Society for Constitutional Information met every Friday, and the Delegates of the London Corresponding Society met every Thursday. Now, the advantage of that was this---the London Society for Constitutional Information were to hold themselves up as persons of respectable situations; all violent resolutions were therefore to begin either in the country societies, in Scotland, or in the London Corresponding Society. The Committee of Delegates of the London Corresponding Society came to resolutions on the Thursday, which on the Friday were delivered to the Society for Constitutional Information. And here is a demonstration how perfectly aristocratic these democratic societies were: the measure was first to be resolved upon by their Secret
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Committee, then carried to the Committee of Delegates, which Committee acted necessarily upon the reports of the Committee of Correspondence, because they did not know all the correspondence being adopted; there they were not to wait for the adoption of it by the other societies, except the measure being reported to the division meetings; and yet on the Friday they were to be carried to the Constitutional Society, as the proceedings of the London Corresponding Society.

Gentlemen, that letter from Sheffield, which I before adverted to, I now see that it is a letter from Sheffield, of the 15th of October, 1792, and which is in the Appendix; and there, speaking of the establishment of several societies---“We beg leave also to throw in our mite of commendation on the laudable spirit which you have evinced in your intention to address the National Convention of France, and hope sincerely that your example will be followed by all the societies in the two kingdoms, Ireland having already set the example. We hope your society will also give them (the Stockport Society) your sanction, advice, and support, as it will be in vain for the friends of reform to contend with the tremendous host of enemies they have to encounter, unless they firmly, on all occasions, stand by and succour one another.” That tremendous host of enemies clearly shewing, that they supposed a very large proportion at least, and, as some of the other letters state, a vast majority, to be against them. Then they say---“It is with the greatest satisfaction we announce to you, that several societies have been formed within the last three weeks in Edinburgh, not less than seven or eight; and also that a patriotic print is about to make its appearance, under the direction of Major Johnstone, who is also president of one of the societies. We have received some most spirited communications from thence. We clearly foresee that Scotland will soon take the lead of this country.” I wish Gentlemen would observe upon that---“We clearly foresee that Scotland will soon take the lead of this country, and conceive it will be necessary to take the greatest care that an universal communication should be constantly kept up between the several societies, however distant; and that all should determine to act upon the same principle, and move together as near as may be in regular and active unison. It was by this method France became so thoroughly united; and we ought never to lose sight of it.”

Now, Gentlemen, really and truly, can any government subsist which has within its bosom a number of societies acting as a corporate body upon those principles? What, Gentlemen, is a government itself, but a state or corporation? It is a number of men, assembled by certain constitutions of union, by which those who are themselves individuals, are enabled to act as one body: when, therefore, a society is established, and that society puts itself under particular regulations, I mean a society in a country,

country, that society, to a certain extent, though not bound as a corporation created by lawful government, yet is in effect a corporation; and, therefore, when a number of societies unite themselves together in the manner as proposed, in that way they also are distinct corporations; and what are corporations but states? and a corporation under the authority of the country is a subordinate state; as the India Company, that is a corporation acting in subordination to the great Corporation of this Country, which is composed of King, Lords, and Commons, by means of which our possessions in the East Indies are in a great degree governed in subordination to the government of the country, of which the King is the head. Here the principles of corporation are, a number of societies uniting together, for the purpose of moving together in regular and active unison---that is, for the purpose of forming themselves into one state, which should act upon one principle; or rather, like the United States of America, which still has one general constitution which regulates the whole.

Gentlemen, the government may bear a corporation within this country which is in avowed subordination to it; but if they exceed their powers in any degree, it calls them in question; it may proceed, even if they go certain lengths, to forfeit the privileges which those corporations have had granted them. Such corporations are completely in the power of government, and they are capable of existing consistently and safely to the government; but such a corporation here as this, is a state within a state, *imperium in imperio*, is inconsistent with any government, because it is in direct opposition to the government and state.

Gentlemen, in France, in the year 1793, in the decree against the Jacobin Clubs, it was said, the thing we find fault with is, your acting as a corporation, taking upon yourselves the firmest union and manner of acting which belongs to a corporate body, which makes you therefore a state within a state, and which renders the existence of your societies totally incompatible with public peace and the safety of the state. This celebrated speech of André, upon that subject, states that in a light so clear and plain, that it must be to the conviction of any man, that no government can subsist with such a set of affiliated corporate bodies and societies, acting in opposition to the government, in the manner in which these societies were held.

Gentlemen, in all these proceedings, the prisoner has unquestionably borne a very distinguished part; and you will find, that his letters, if you will take the trouble of referring to them, continually shew that he was privy to every part of the transaction; a privy which must necessarily be inferred, from his situation as secretary, and that he also was active in it.

You will recollect, there is a letter of the prisoner's to Mr. Vaughan, on the 9th of April, 1792, in which he states to Mr. Vaughan,

Vaughan, how he conceived the way in which the minds of the people were to be acted upon, and desires him to collect some sweet flowers from a publication. You will also observe, that gentleman has not been called to explain any of the transactions that took place; and it was written very early in the transaction, and shews most clearly and plainly that the prisoner at the bar was at the very bottom and root of every thing: he was not a person who was deluded and led away, but he was a person whose whole heart was in the cause, and chargeable with the whole that is imputed to the persons concerned in these transactions.

Now, these things having been done, and the people, as it was conceived, having been considerably set against the constitution established in the country, they began to consider of what measures they should take. And, Gentlemen, there had been for some time in Scotland a number of societies which had been acting upon the same principle, and they had been holding a correspondence with the London Corresponding Society, and which society had formed a meeting called a Convention of their Delegates, which had met early in 1793, and had then adjourned to November, 1793. That society, when it originally met, had met exactly upon the principles which were stated by my learned friend who last addressed you: they did not assume to be a Convention of the People; they described themselves a meeting of the delegates of those several societies, associated for the purpose of obtaining a parliamentary reform; they met, and they adjourned again, to meet in November. And you will observe, Gentlemen, that a very private and particular correspondence takes place---a letter from Mr. Skirving to Mr. Hardy, of the 5th of May, 1793, appears in the evidence before you. I shall have occasion to observe something more upon that subject; but I now observe, he speaks of his disposition of uniting in one assembly commissioners from all the countries of the world, for the purpose of reform. This led to a private correspondence between Mr. Hardy the prisoner and Mr. Skirving.

Gentlemen, this letter having introduced the particular correspondence between Mr. Skirving, who was secretary of the delegates in Scotland, which never thought of giving themselves the appellation of a Convention of the People, on the 5th of October, Mr. Hardy writes a letter to Mr. Skirving, in which he speaks of the trials of Muir and Palmer, who had been prosecuted for seditious conduct; and then says, "The general Convention which you mention, appears to Mr. Margarot, to whom I alone have communicated your letter;" which letter appears to have been dated the 2d of October; "it appears to Mr. Margarot, to whom I alone have communicated your letter, and myself, to be a very excellent measure; and as such, I should wish you, without delay, to communicate it officially to your society,

society, without any ways mentioning that you had written to me privately: if in your official letter you should require us to send a deputation to that meeting, I have no doubt but our society would with pleasure accept the invitation; and I am persuaded it may do much good. Our freedom, as you justly observe, depends entirely upon ourselves, and upon our availing ourselves of this opportunity, which once lost, may not be so soon recovered." Then, Gentlemen, I think it is rather material to call to your attention this passage, "availing ourselves of this opportunity, which once lost, may not be so soon recovered;" and I observe this, because I think it tends to shew this, that however unprepared they might be, with respect to the measures they had in view, with respect to carrying them into execution, they had a strong impression in their minds, that unless they took some measures immediately, if they lost that opportunity, they should not be able to recover it again; it might be lost for ever; and therefore it was necessary at all events to take steps---I therefore, this letter of October, 1793, having been written by Mr. Hardy, a letter comes from Mr. Skirving, in an official way, desiring that those deputies might be sent. This letter is communicated not only to the London Corresponding Society, but to the Society for Constitutional Information; and in consequence of that communication, both these societies sent delegates to this Scotch Convention.

Now, Gentlemen, you will recollect, by communication with Sheffield, Norwich, and other places, they were likewise induced to send Delegates to the same Convention. These are the instructions given by the London Corresponding Society, which are signed by the prisoner---"Articles of instruction given to citizens Joseph Gerald and Maurice Margarot, from the London Corresponding Society, at the ensuing Convention at Edinburgh, for the purpose of obtaining a thorough parliamentary reform.

"First, That they shall on no account depart from the original object and principles of this society---namely, the obtaining annual Parliaments and universal suffrage, by rational and lawful means."---Rational and lawful means are words capable of almost any construction; for when it has been asserted in their Committee of Constitution, that the majority have a right to resist the minority for the purpose of asserting what they call their indefeasible rights, which are the rights of equal active citizenship, rational and lawful means are any means which, according to their idea of reason, are rational, and according to their idea of law, are lawful; and they declare that it is lawful for the minority to resist the majority, if the effect of tyranny exercised by the majority was to deprive them of what they call their indefeasible civil rights---namely, a share in the government of the country, both executive and legislative.

Gentlemen,

Gentlemen, the other instructions are---“ Secondly,” they are directed “ To support the opinion that representatives in Parliament ought to be paid by their constituents.

“ Thirdly, That the election of Sheriffs ought to be restored to the people.

“ Fourthly, That Juries ought to be chosen by lot.

“ Fifthly, That active means ought to be used to make every man acquainted with the rights and duties of a Jurymen.

“ Sixthly, That the liberty of the press must at all times be supported, and that the publication of political truths can never be criminal.”

Now, Gentlemen, you will observe, that the four last of these have nothing to do with parliamentary reform; they have nothing to do with it whatever; and the second is only supporting the opinion, that persons in Parliament ought to be paid by their constituents; an opinion once formed in this country, and long since abandoned, which, if revived, would lead perhaps to all the mischiefs of anarchy and confusion. Then the seventh instruction is this, because, Gentlemen, when persons speak of rational and lawful means, you must necessarily understand them to mean those words, according to the construction which they themselves put upon the words. Now, they say, that their---“ Delegates shall on no account depart from the original object and principles of this society---namely, the obtaining annual Parliaments and universal suffrage by rational and lawful means.” In the 7th instruction, they state what they conceive to be lawful means---what is it? That it is the duty of the people to resist any act repugnant to the original principles of the constitution, as would be every attempt to prohibit associations for the purpose of obtaining reform. If, therefore, they consider, that any act, or any authority whatever, however in the common acceptance of mankind it might be deemed lawful, was to be resisted by them, if it tended to prevent the execution of their purpose, and therefore the means taken to effect such resistance were the means taken to obtain annual Parliaments and universal suffrage by rational and lawful means.

Gentlemen, it seems to me, therefore, that these articles of instruction, upon the very face of them, shew that they meant to resist the constituted power and authority of the country, if resistance to those constituted powers was necessary to carry into execution their purpose---namely, the obtaining annual Parliaments and universal suffrage by rational and lawful means; and that they considered resistance to the power of this constituted authority as lawful means to that purpose; and if they considered resistance as lawful, they might vote attack to supersede the necessity of resistance, for if resistance is lawful, attack is lawful
also;

also; for on what principle is attack in war justifiable, but that resistance is justifiable? and that attack is lawful, for the purpose of superseding it.

Therefore, Gentlemen, it does seem to me, that these instructions do most plainly shew the object they had in view, which they call rational and lawful means, but which they have sufficiently shewn to be such acts as are in direct opposition to the constituted authority of the country, and consequently acts of rebellion.

Gentlemen, when this is compared with the report of the Committee of Constitution, you will see that these are the principles of government upon which they say government ought to be constituted. It is impossible to put any other construction to these words, rational and lawful means, than those I have done; that is such means as, by the exercise of their reason unprejudiced, they were taught to believe were lawful means, among which they included the right of the minority to resist even a vast majority of the country, if that majority attempted to withhold from them those rights, which they considered as indefeasible civil rights---namely, a right to share in the whole of the government, as well executive as legislative.

Gentlemen, the instructions given to the delegates of the Society for Constitutional Information are couched unquestionably in much more cautious language; they contain no such resolution with respect to resistance as are given in the instructions of the London Corresponding Society. At the same time, Gentlemen, you will recollect what my learned friend now suggests to me---that all that was done in consequence of these instructions of the delegates of the London Corresponding Society, was fully approved by the Society for Constitutional Information, and that one of their acts done was in direct conformity to those instructions. The seventh instruction is, that it is the duty of the people to resist any act of Parliament repugnant to the original principles of the constitution, as would be every attempt to prohibit associations for the purpose of reform.---You will recollect, one of the resolutions went directly upon the foundation of that instruction, and going indeed considerably beyond it; and when I am told, that persons who send delegates are to be considered as giving them no other authority than they directly give them to a certain degree, is true; but the moment they know that those delegates go beyond their authority, they ought indeed to disavow them. But what has the Constitutional Society done? They have declared that they approve them all, and that they considered themselves as bound to give the most effectual support to those who came to those resolutions.

Then, Gentlemen, let us consider a little what were the proceedings of this assembly when it met.

Gentlemen, I shall not go through all their proceedings, because that would take up infinitely too great a proportion of your time; but there are a few of their proceedings upon which I shall venture to comment; and in the first place, I will notice their declaring themselves the British Convention of the People.

Now, Gentlemen, for the purpose which it is pretended they had in view, that declaration was absolutely unnecessary, and not only absolutely unnecessary, but it was improper; because, if they were to convey to the Parliament of the country what the opinions of men were upon the subject, (opinions conveyed by delegation are in all cases totally improper; but opinions conveyed by delegation, where the persons specifically delegating do not appear, are still more improper;) if it had been a meeting of the societies of Sheffield, of London, of Norwich, and so on, describing them, there would be a possibility of ascertaining who they were composed of; that would be just within a possibility, and nothing more: but still it would be within a possibility that the delegates might convey the sentiments of those persons who composed those several societies with respect to their sentiments of a reform; certainly a very incomplete method of conveying those sentiments: for you see, the delegate from the Society for Constitutional Information would have conveyed the sentiments of Mr. Sheridan, and other persons, whose names are upon the books, but who have not attended them for several years; so that even an association of delegates of these societies conveying to Parliament the opinion of persons upon the subject is perfectly absurd, for they can convey no more than the opinions of particular men who took to acting parts in these societies; but when delegates of societies call themselves a Convention of the People, they practise imposition upon that Parliament, for they were only a meeting of delegates of those societies, and therefore had no right to call themselves a Convention of the People; and therefore, in conveying to Parliament the sentiments of the people of the country, it was not only unnecessary, but perfectly improper, that they should assume the character of a Convention of the People. For what purpose could they then assume it? It could only be for this---they assumed the character for the purpose of assuming the power necessarily attributable to a real Convention of the People. That is the only purpose for which they could have assumed it, and I conceive the only purpose for which you can believe they have assumed it, and not for the purpose which the ingenious Counsel contended, for that could not have been within their view---it was totally inconsistent with their ideas, to have conveyed to the Parliament of this country, by a number of delegates, the opinions of the people, the persons so delegated having no right to state what was resolved upon, than as the sentiments of a variety of clubs.---

It

It was nothing more than a delegation from a variety of clubs, and of the individual members who composed those clubs.

With respect to the evidence given relative to Mr. York, he puts this beyond all sort of doubt: he says, the British Convention split upon a rock. Why? because they had declared themselves a Convention of the People, before the people were prepared for it; before they had authority from the people, they took upon themselves to declare themselves so. They ought first to have come forward by an address to the people at large; that they ought to have continued in their original character as delegates of societies till they had prepared the minds of the people at large, before they declared that they were a Convention of the People, in order that they might obtain that sort of tacit consent which was obtained to a declaration of the same sort by the States-General of France; for the members of the States-General meeting on the 7th of June, 1789, (being till then assembled under the authority of the King, and therefore acting in subordination of that authority, which the ancient constitution of France required they should act under,) declared themselves a National Assembly, and therefore that the King could put no negative upon their authority. If they had not been supported by the people in that declaration, they could not have acted in the character which they then assumed; but the people did support them, and the public mind was prepared to support them, as a Convention of the People; and being so prepared to support them as a Convention, and give them all the force, strength, and efficacy of a Convention, from that time they did act as such Convention, from that time they were completely the sovereign power in the state. Mr. York said, and truly, that the Convention at Edinburgh had declared themselves a Convention of the People before they were prepared by the opinion of the people to declare that they were so; that therefore they had split upon a rock; that they ought to have addressed the public at large on the subject first, thus to have prepared the public mind, and if they found that the people were ready to support them in the character which they meant to assume---that of a Convention of the People, then, and not till then, to declare themselves as such, and assume all the authority and all the consequences of being a Convention of the People.

Gentlemen, this Convention having proceeded in this manner, not only thought proper to call itself a Convention of the People, a British Convention of the People, necessarily including the whole island, but the British Convention, one and indivisible; and date their transactions first year of the British Convention, one and indivisible. What could this be used for but to express that they consider themselves as the whole people of Great Britain united by delegation in one common cause, not to be separated,

rated, not to be divided, till they had completely and effectually carried into execution those several purposes which they went into that Convention for to carry? What was the purpose of Mr. Margarot and Mr. Gerald, we have clearly before you; what were the purposes of Mr. York, who, though he did not go, was chosen a delegate from the Constitutional Society, we have also as clearly; and we have also the purposes of Mr. Sinclair, the other delegate; and we have no doubt but this overt act in itself was an act of high treason: and I beg leave to observe, that the Attorney General said, in his place in the House of Commons, that, as far as he could vote, it did appear to him strongly, that it ought to have been so construed; but an act is an act of treason, or a simple act of sedition, according to the degree of evidence which you can produce.

Gentlemen, what was the argument my learned friend Mr. Gibbs pressed so much upon you? He did not deny that the acts of his client were very blameable, very seditious; but they do not amount to high treason. And why do they not? Because, in the acts he did, he had not the conception of deposing the King, and compassing his death, and establishing a democratic government in the country. In the prosecutions carried on in Scotland, in the cases of Mr. Margarot and Mr. Gerald, the full evidence was not in their view to bring it forward to the view of the Court; and unless they could bring it forward to the view of the Court, they could not establish against the parties that degree of intent which was necessary to constitute the crime of high treason; and, therefore, I contend, there was no blame upon that account against the Courts of Scotland. The Courts of Scotland have been accused of being too rigorous: if it appeared to be high treason from what appeared before them, it would have been their duty to have taken care that those were prosecuted accordingly who were charged with it; but the complete criminal intent did not appear, and therefore they proceeded against them, according to the law of Scotland, for sedition; and I only beg leave to say, that even with respect to them, the question agitated was, whether there existed that distinction between treason and sedition which the laws of this country make; whether there was a distinct crime denominated by the law of Scotland as sedition, for that was the question that was agitated; the law of England makes every degree of sedition a misdemeanour until it amounts to high treason. If you look into the ancient law of England, you will find, that sedition was a crime by our laws; and if there did exist a law of sedition in Scotland, and if sedition was a distinct crime in Scotland, and was capable of being punished as such, the consequence of that would be, that certainly a very severe punishment must be the proper punishment of a crime which amounted

to that height; and the only question you can make upon the subject is, whether it was merely a misdemeanour, or did amount to the heinous crime of high treason.

Gentlemen, the resolutions and proceedings of this society in Scotland are produced by Mr. Scott, and they are very extraordinary: they begin with declaring themselves a British Convention, and their several proceedings have been read to you, in which it appears, that they corresponded with the prisoner at the bar, and with several other persons, in which it also appears, that they adopted several of the most seditious proceedings which had been taken in this country, and that they had reports taken of the state of the country in England as well as in Scotland, the effect of which was to justify their declaring themselves a Convention of the People; for it appears, upon the proceedings of the 6th of November, 1793, that one of the London Delegates mis-stated the situation of their societies. Citizen Margarot said---“ That the societies in London were very numerous, though sometimes fluctuating. In some parts of England, whole towns are reformers; in Sheffield and environs, there were 50,000.” Though it has been shewn to you, that the society in Sheffield never consisted of more than 600.

“ In Norwich, there are 30 societies in one---If we could get a Convention of England and Scotland called, we might represent six or seven hundred thousand males, which is a majority of all the adults in the kingdom, and ministry would not dare to refuse us our rights.”

Gentlemen, it was in consequence of this information that they gave themselves that title I have stated to you. You will recollect, that in their proceedings they went to the extent of making a new union between England and Scotland; a union which should perfectly remove all boundaries and distinctions between the two kingdoms. Now, Gentlemen, whether that would or would not be a wise measure, is another question; but there is a proposal for that purpose that is assuming, to a very considerable degree, a power of the most extraordinary kind---not only sovereign power, but sovereign power tending to the destruction of a very solemn league between two nations, who were, at one time, distinct, separate, and independent sovereign powers.

Gentlemen, they resolve---“ To publish an address to the public, and a Committee was appointed to consider the means and draw up the outlines of a plan of general union and co-operation of the two nations, in their general pursuit of a thorough reform of Parliament, which was unanimously agreed to.” And they likewise had a Committee to draw up rules for the internal government, and tickets for admission; and this they resolve shall be a standing law of this and all future Conventions, looking in prospect, no doubt, to a regular and constant establishment,

establishment, not to an accidental establishment to a particular purpose.

Gentlemen, there are many other proceedings, infinitely too numerous for me now to observe upon---proposing a general fast, and a variety of other proceedings: shewing, that they considered themselves as having a very different view than as an assembly of delegates of several societies, met simply for the purpose of petitioning Parliament for reform; they received contributions, patriotic gifts, and donations, adopting, not in the use of particular words, but adopting in all their proceedings, those expressions which have been adopted in the French Convention. They talk of their own assembly as a House, and of taking the sense of the House upon their questions; and you must be convinced, they had in view an establishment upon quite a different principle than that of a meeting of delegates of societies, for the purpose of obtaining a reform in Parliament. You will likewise observe all that passed respecting enlightening the Highlands of Scotland; terms, that it is impossible to avoid considering as an intention of arming them. These persons also talk of considering the good of the Highlanders, and other circumstances which I am not able distinctly to call to your memory; and then there is this resolution:---“That it be recommended to the different societies throughout the country, to copy the Bill of Rights into their minute books, as the ground of their proceedings, in order to prevent improper constructions upon their conduct as friends to reform.”

Now, Gentlemen, that recommendation seems to me to be completely upon that principle of deception I before noticed. There could be no purpose for which that was entered, but to hold out a quiet and peaceable disposition which they did not mean finally to abide by---the Bill of Rights being by them, in the books which they recommended, called the Bill of Wrongs, and treated with the utmost contempt.

Gentlemen, but it served not only to cover the intent of these societies, but also to teach them, that the Bill of Rights gave an authority to them to meet in a Convention of the People. As the People in the country were told that they went upon the Bill of Rights, and that they meant to call a Convention, and that the Bill of Rights allowed it them, they were led to believe that the Bill of Rights declared it was right to do so; a circumstance, with a vast variety of others, by which the poor people have been deluded, like that unfortunate man Hill, who was brought to your bar, and told you, that all he had in view was the restoration of the constitution as it was in 1688; whereas, since that time, there have been no material alterations, except the triennial and septennial acts, and those other acts which have tended rather to the benefit of the people than otherwise.

Gentlemen,

Gentlemen, then comes this famous resolution, in which a blank was left, and which was come to on the 28th of November, 1793. Now, Gentlemen, I wish to know how it is that the learned Counsel for the prisoner, whom I do not now see in Court, and my learned friend who addressed you last, how they reconcile this resolution, so left in blank, with the principles which they stated this Convention to have acted upon; but they endeavoured to pass by it, and say, that whatever blame might be imputed to this Convention, the prisoner had nothing to do with it. In the course of this, Gentlemen, you will recollect the solemnity with which all these transactions were carried on in all their most important parts, and that on this occasion, "after an excellent discussion of the question, pertinent remarks and amendments, the Convention was resumed, and the whole, as amended, being read over, the members stood upon their feet and passed the resolution unanimously as follows." You will recollect, likewise, that this was preceded in the course of the debate by Citizen Brown's giving an history of the Habeas Corpus Act; and therefore, appearing to take a very important part in the discussion of the question. Matthew Campbell Brown was the delegate from Sheffield, and he has been stated to you to be one of the editors of the Patriot.

Gentlemen, there is in the minutes a blank for this resolution after the said resolution was agreed to, and solemnly approved of, as above; the minutes import, that Citizen Gerald, in an energetic and "animated speech, addressed the meeting, and expressed his happiness at the motion passed, and exposed the act of the Irish Parliament called a Convention Bill, and Citizen Brown," that is, Matthew Campbell Brown, "followed him in a manly speech, and proved the influence of the executive government over the Parliament. Then Citizen Margarot read and proposed the following resolutions;" and I will now state to you the resolution for which there was a blank left in their minutes--- "Resolved, that the following declaration and resolution be inserted at the end of our minutes, viz.---That this Convention, considering the calamitous consequences of any act of the legislature which may tend to deprive the whole or any part of the people of their undoubted right to meet, either by themselves or by delegation, to discuss any matter relative to their common interest, whether of a public or private nature, and holding the same to be totally inconsistent with the first principles and safety of society, and also subversive of our known and acknowledged constitutional liberties, do hereby declare before God and the world," which you recollect is the solemn manner in which an oath is taken in Scotland by persons of a particular description, "that we shall follow the wholesome example of former times, by paying no regard to any act which shall militate against the constitution of our country, and shall continue to assemble, and consider

consider of the best means by which we can accomplish a real representation of the people and annual election, until compelled to desist by superior force."

Why, Gentlemen, what is this but a declaration that they would resist force, that they would resist unquestionably inferior force, and that it should be superior force only that should compel them to desist? They then resolve, "That the first notice given for the introduction of a Convention Bill, or any bill of a similar tendency to that passed in Ireland in the last session of their Parliament, or any bill for the suspension of the Habeas Corpus Act,---" so that you see, Gentlemen, there would now have been an actual rebellion, because the act for the suspension of the Habeas Corpus Act has actually passed; "or the act for preventing wrongous imprisonment, and against undue delays in trials in North Britain; or in case of an invasion or the admission of any foreign troops whatsoever into Great Britain or Ireland. All, or any one of these calamitous circumstances, shall be a signal to the several delegates, to repair to such place as the Secret Committee of this Convention shall appoint---" for you will observe that, throughout all their proceedings, you find a Secret Committee---that is, a few persons who keep in secret from the rest all the important proceedings. There is no one of the proceedings of these societies, or those with whom they are connected, in which you do not find a Committee of Secrecy to guide and direct the whole---the formation of a Secret Committee being necessarily the formation of a thing which they conceived would not bear the light of day; a thing which they conceived would not be permitted by the existing government of the country, who are bound to keep the peace of that country---" and the first seven members shall have power to declare the sittings permanent; shall constitute a Convention, and twenty-one proceed to business."

What is this but a declaration, that if they were compelled by superior force to discontinue their meetings in Edinburgh, they would not therefore cease to be a Convention of the People, but they would repair immediately to such place as the Secret Committee of the Convention should appoint? That, being so repaired, the first seven members that should meet shall have power to declare the sittings permanent; should commence the Convention immediately, and the moment they amount to the number of twenty-one, proceed to business. Why, Gentlemen, if they were compelled by superior force, that is, by the power and government of the country, to desist from their meetings, and had gone and assembled in another part of the country, what would be the effect of their assembling, but to evade the superior force, and acting in that other place with more effect, because protected in that secret place against the constitution of the country? They likewise resolve---" That each
delegate,

delegate, immediately on his return home, do convene his constituents, and explain to them the necessity of electing a delegate or delegates," (which, I conceive, must necessarily mean something like the persons supplying immediately with a delegate, without any delay, the place of any whose seats might become vacant in this Convention of the People,) "and of establishing a fund without delay, against any of these emergencies, for his or their expence; and that they instruct the said delegate or delegates to hold themselves ready to depart at one hour's warning." Then they resolve, which shews clearly what they meant by the latter part of the resolution, "That the moment of any illegal dispersion of the British Convention shall be considered as a summons to the delegates to repair to the place of meeting." So that, without delay, this Secret Committee was immediately to proceed to fix upon some place, at which place this assembly of people were to meet; if they should be dispersed by any superior force of government, they were to meet in this other place appointed for the Convention of Emergency by the Secret Committee, and at which other place they were necessarily to meet in opposition to the government of the country.

This was communicated most completely to Mr. Hardy by a letter written to him by Mr. Margarot, December 2, 1793, in which he expressly states, that the Convention had declared itself permanent, which must mean, that it meant to make itself what the effect of the declaration contained---the declaration of permanence being one of the most important parts of the proceedings of the French National Convention, when it declared itself such a Convention, on the meeting of the States-General of France in 1789, and when they authorised the collection of the revenue, but that it should be no longer than during the time of their sitting; and, in the history of our own country, the same sort of permanence was the means by which the Parliament in the reign of Charles I. finally destroyed the authority of that monarch: and, therefore, this Convention voted itself permanent, and, in case they should be dispersed, they were to have a Convention of Emergency, which was to meet in a secret place. And this letter of Margarot's to Hardy has likewise a direct reference to the appointing of some other place by the Secret Committee for the meeting of the Convention, if in case they should be dispersed. This letter states these circumstances, that the Convention had declared itself permanent, by which it must have adverted to these resolutions; and it likewise states, that they were to sit in some other part of the country, not yet declaring any account of their dispersion. The meaning of it is directly to infer, that this part of the instructions to the Secret Committee without delay to fix a place of meeting in case they should be dispersed, or any other of the cases in which the Com-

mittee of Emergency were to meet, had been carried into effect.

Gentlemen, I beg pardon---I understand, by some accident, that letter has not been given in evidence, therefore I desire you will lay it totally out of your consideration.

Gentlemen, you will recollect, in pursuance of this resolution, that they actually did refuse to be dispersed till they were compelled by superior force; and this is proved by a letter from Mr. Margarot, in which he states, how himself and Mr. Gerald, were pulled out of the chair, so that they not only came to the resolution, but acted upon it, in a certain degree---the other part of these minutes, when they are considered in reference to the whole, contain a very extraordinary circumstance; for you will observe, that this Convention was to meet as a Convention of Emergency at a secret place, to be appointed by a Secret Committee, not only in case of its being compelled to desert from its sittings at Edinburgh, being dispersed by superior force, but also in some other cases. What were those cases? One of them was---“As soon as notice shall be given for the introduction of a Convention Bill---” therefore, as soon as any measure shall appear to be taken by the government of this country for the purpose of dispersing their meeting, which they would think likely to have effect, they would assemble in that secret place, in that place of safety appointed by the Committee as a Committee of Emergency, (removing themselves from Edinburgh,) where they would be more likely to evade that superior force than elsewhere; and this they likewise extend to the suspension of the Habeas Corpus Act, and the introduction of foreign troops; and they likewise declare their intention of assembling this Convention of Emergency in case of an invasion.

I am sure, Gentlemen, I remember that letter has been read; the words, “that in case of an invasion,” are omitted in that letter; and Mr. Margarot states, that the Convention has done that which he does not think safe to communicate by letter.

“The Convention,” he says, “proceed with great spirit; we sit daily; as the minutes are to be printed, we will, at present, only give you the heads of them, namely, that should any attempt be made by government for the suspension of the Habeas Corpus Bill, the introduction of a Convention Bill, or the landing of foreign troops in Great Britain or Ireland, the delegates are immediately to assemble in Convention at a certain place, the appointment of which is left with the Secret Committee; that when seven delegates shall be thus assembled, they shall declare themselves permanent, and when their number amounts to twenty-one, they shall proceed to business. Thus, you see, we are providing against what may happen.” This is a letter written to Mr. Hardy himself---“thus you see we are providing against

against what may happen." Then the letter proceeds to state many other things. "Letters convey but very imperfectly, and with no great degree of safety, what we might wish to inform each other of." And, in a subsequent letter of the 8th of December, 1793, you will find he says---"Not daring any longer to trust to the post, we send you all these papers in a parcel--- You will be so good as to make us acquainted if they safe arrive." What these papers are, we do not know. "Gerald wishes to get to London as soon as possible; he will communicate that which cannot be so fully expressed by letter. You may consider this as a private letter, but you may read such parts of it as you think proper to any member of the society, especially where it may be productive of good." Then here are resolutions which people come to, which they are afraid to enter upon the minutes of their proceedings; which they are afraid to communicate in their correspondence with each other; which they leave to be communicated by word of mouth by one of the parties; and even this very letter is cautiously written on the subject to Mr. Hardy as a private letter, of which he might communicate such parts of it as he might think proper to any member of the society, leaving to him the selection of the matter and the selection of the parts, as he thought proper, according to the fervor in the public cause that any member might have, or the confidence he might have in any particular member, especially where it might be productive of good---Shewing most clearly that the prisoner was to be the active means by which this conspiracy was to be carried on, to whose discretion he was wholly to confide, and who was to communicate to the other members of the London Corresponding Society such and such parts only of this correspondence, mutilated as it is, for fear of the danger that might attend a communication by letter, to communicate only such parts as he thought proper.

Gentlemen, I stated to you, that it was my intention next to advert to the parts of the minutes which follow the blanks, where these resolutions ought to have been entered, if they had been entered according to the daily proceedings, and according to the ordinary course of their proceedings; but which, according to the resolution at the head of this resolution, were only to be entered at the end of their minutes; after this, stating the very solemn manner in which they were passed, shewing, by that very solemnity, and the omission of the word invasion, the importance which these persons attached to them, and the importance they attached to that particular word. "Citizen Margarot read and proposed the following motion---That a Secret Committee of three, with the secretary, be appointed to determine the place where the Convention of Emergency shall meet; that such place shall remain a secret with them, and with the secretary of this Convention, and that each delegate shall, at the breaking up of the

the present session, be intrusted with a sealed letter, containing the name of the place of meeting; that this letter shall be delivered, unopened, to his constituents, the receipt of which shall be acknowledged by a letter to the secretary, preserved in the same state, until the period shall arrive at which it shall be deemed necessary for the delegate to set off." So that the place of the meeting of this Convention was not only to be determined upon by a Secret Committee of three, a very small number, but that it should remain a secret with them and the secretary. And at the breaking up of that session, for during that session it would not be necessary to make use of this emergency meeting in a secret place, then each member should carry with them, in a sealed letter, the name of the place of meeting; that this letter should be delivered, unopened, to his constituents, and it should be preserved in the same state until the period arrives at which it should be deemed necessary for the delegates to set off. So that it was not to be known till the very moment when it might be thought proper to set off, except to these three, where that place was to be.

Now, Gentlemen, such proceedings as these have not the least semblance of an intention to petition Parliament for the purpose of a parliamentary reform; it is absolutely impossible to give any credit to any such assertion.

And, Gentlemen, you will likewise recollect, that my learned friend Mr. Gibbs admitted, that if you could not give that sort of construction to their proceedings, you must of necessity give that construction which we contend ought to be put upon them; if you could not persuade yourselves that the only object of these meetings was quietly and peaceably to prepare petitions to Parliament, praying that that reform, in the election of representatives, might be carried into execution, which they had proposed, upon the wild plan, as I will venture to call it, of the Duke of Richmond, or any other plan, if the purpose of their meeting was any thing beyond that, it was impossible for him to justify it, or not permit it to receive all the attributes we cast upon it.

Gentlemen, the minutes of this day's sitting refers to a proceeding which I think distinctly they had in view, and which afterwards appears in various parts of these proceedings, and that is, arming and supporting of the Convention by force; for it is idle to suppose that a Convention of this kind can have any effect whatever unless effected by force; and, therefore, it is not necessary for me to shew you that there were proceedings which had been actually taken for the purpose of creating that force. Why, if persons do form a plan of such an association as was fabricated by the Bishop of Rochester, and others of high rank, to bring in the Pretender, if that had been a real paper which turned out to be a contrivance of two villainous men, if it had been a real paper, it would have been unquestionably an act of high

high treason, though there were no arms prepared; the moment they put their hands to that paper, which demonstrated their intention to conspire to overturn the government of the country, and that which demonstrated the overt act, was putting their hands to that paper, the crime of treason then was complete, although they could not possibly have carried it into effect but by raising an armed force. But here you have several traits of the tendency of this society to raise an armed force, for even in the proceedings of this Convention here is a resolution---“That a fund be raised by subscription for defraying the expence of small patriotic publications, to be distributed in the Highlands; every publication shall bear the figure of an Highlandman, in full dress, with target and broad sword, to attract the attention of Highlandmen. No publication to cost more than a halfpenny.” For what purpose could that possibly be, but to excite the people in the Highlands to arm themselves? What has the Highlanders with a target and broad sword to do with a Convention of the People? But it has a clear connection with the character of a Convention of the People to be supported by force of arms, and it has no connection whatever with that Convention whose object is plainly and simply only to petition Parliament. Then they propose to appoint a Committee of Observation in London, for the purpose of observing what was done there. “Citizen Margatot says---There was no occasion for a Committee of that nature in London, as there were several thousands of people in that city upon the look out; it was accordingly agreed that the Convention should request the London Committee of Correspondence to give the earliest intelligence of what passed in Parliament.”

Gentlemen, you will recollect, that is the Secret Committee of this London Corresponding Society, which Secret Committee was, by this resolution, converted into a Committee of Observation for this British Convention, and for the purpose of giving information of every thing that should pass in Parliament upon this subject. Why, Gentlemen, it really shews a connection and dependence of this very Convention upon this London Corresponding Society, in the hands of its leaders, viz. that Secret Committee, and those who directed that Secret Committee; which shews the whole was in reality and effect the operation of these societies in London; and that the persons in Edinburgh were only acting as the puppets of those in London. You will recollect, too, Gentlemen, the manner in which the Highlanders were to be enlightened, by the representation of their situation, aggravated and false in the highest degree.

Gentlemen, you will likewise recollect, that throughout the proceedings of this Convention they were intending to establish, by positive resolutions, a Convention actually meeting upon the principles we attribute to them---the principles of the impracticable

scriptible rights of man, and not by a petition to Parliament; and for that purpose were preparing to publish the natural, unalienable, and imprescriptible rights of man, and a Committee was appointed for that purpose; for in order to shew that an application to Parliament was not in the idea or contemplation of those who were the majority of the members of the Convention, a motion for drawing out a scroll of a petition to Parliament was read in the 10th day's sitting, and the order of the day was moved upon it. Now this was a meeting which my learned friend would attempt to persuade you, was solely for the purpose of petitioning Parliament, and one of the first things they do, is to move the order of the day upon petitioning Parliament. Now you will likewise recollect the way in which they treated Lord Daer, as a man of rank. Citizen Gerald shewed the insipidity of the term Gentleman, and the propriety of the term Citizen, and a variety of other circumstances, which shewed throughout the principles which these people meant to adopt, and bring into effect as far as they could.

You will likewise recollect, what Mr. Skirving said in the course of the proceedings upon a motion that was made. He insisted that it was proper upon all occasions to take the opinion of the primary societies, and considered the Convention as only a committee of the people; so that Mr. Skirving, in the various proceedings of this Convention, was acting upon the grand principles of all these rights of man---that every form of government is to be considered as only a committee of the people, and that the sense of the people is on all occasions to be taken personally upon all their proceedings; principles which the French National Assemblies have constantly found impossible to be carried into execution; and, you will recollect, that they refused to carry it into execution, upon the most important subject that could come before them---namely, the death of their King; for when some of their leading members, some of the most enlightened, with a view of saving the King, wished to refer the consideration of his life to the primary assemblies in the different parts of the country, it was negatived, upon the impossibility of carrying it into execution; and the reasoning upon that subject appears to be perfectly good---that it would have tended to destroy the Convention itself, if it had been possible to carry it into execution. You will recollect, likewise, the debate which took place upon the "unwarrantable, unprecedented infringements of the liberty of the press, and particularly the arbitrary sentence of Judge Wilson, in the case of Mr. Holt;" Mr. Judge Wilson being a gentleman whom all those who are of the profession must remember with a degree of regret and concern, and must acknowledge he was one of the worthiest and most upright men that ever graced the bench of this country.

Gentlemen,

Gentlemen, in taking notice of these things which they considered as abuses, Mr. Margarot observed---“It was unnecessary to attempt to lop off the branches while we are endeavouring to---” and then there is a blank: “It is unnecessary to attempt to lop off the branches while we are endeavouring to cut down the tree;” there is no other possible way of filling this up.

Gentlemen, I might go through the whole of the minutes of the proceedings of this Convention, for there are several others besides those which I have mentioned to you, which would equally merit attention, and which shew that, throughout the whole of their proceedings, they were contemplating to carry their measures by the force of their own authority, supported by the force of so many of the people at large as they could prevail upon to sustain them in their measures; that they looked to the attainment of their object by those means, and possibly also by the assistance of that foreign power which the two societies in London, the Constitutional and the Corresponding, had, in the latter end of the year 1792, clearly invoked; by means possibly of the assistance of that power, for you cannot give any other construction to the words, “in case of an invasion;” that they looked to the attainment of their end, either by their own force, or by that force assisted by such foreign force.

Then, Gentlemen, this Convention being dispersed by the superior force of the constituted government, after that assistance which the members of this Convention thought proper to give it, which necessarily was only formal resistance, because they had not prepared measures for any further effectual resistance---what was done immediately on this? A variety of proceedings took place in London, all tending to assemble another Convention, expressly declaring, that in consequence of the dispersion of the British Convention, they were determined to assemble another Convention, for their proceedings had not arrived at that ripeness which enabled them to carry into execution the plan of that Convention of Emergency, which they had suggested in their minutes; because it could not have been carried completely into effect with respect to England, unless they had had a greater proportion of delegates from England than they actually had; and therefore, finding that, they turned themselves to the purpose of assembling another Convention in England.

Now, Gentlemen, the first proceedings that seem to have been directly taken for that purpose, were the resolutions of the Constitutional Society on the 17th of January, 1794; but previous to that, a letter was written by the prisoner to the secretary of the Constitutional Society, Mr. Adams, on the 10th of January, 1794, which merely informs him of the anniversary dinner upon the 20th of January. I only mention that circumstance, because it draws both the societies into that business of the 20th of January, 1794; for there was no reason to give the
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Constitutional Society any notice of that anniversary dinner, unless for the purpose of enabling them to attend it if they thought proper.

Gentlemen, I should have told you, that in the mean time, Mr. Margarot had communicated to Mr. Hardy the circumstances which had passed at the dispersion of the British Convention, and had excited him by all means whatever to take some spirited resolves upon the subject. Mr. Hardy, in his answer, continued to represent, that the society would act as Mr. Margarot desired they should; then he writes to Norwich, in a letter dated the 10th of January, 1794, (you will observe, that this was the day after the letter he wrote to Mr. Adams, informing him of an anniversary dinner,)---“Fellow Citizens, I have just received a letter from Citizen Margarot at Edinburgh, with some of the Edinburgh Gazetteers, where you will see, that Citizen Skirving is found guilty, and sentenced for fourteen years transportation to Botany Bay. Margarot’s trial comes on next; he meets it with great firmness and resolution. I have no time to make my comments on the proceedings, but I think our opponents are cutting their throats as fast as they can. Now is the time for us to do something worthy of men.” Now, why is it the time for us to do something worthy of men? “The brave defenders of liberty south of the English Channel, are performing wonders, driving their enemies before them like chaff before the whirlwind.”

What was in the mind of Mr. Hardy when he wrote that letter? What could be in his mind at the time, but that persuasion which we see generally dispersed throughout all these proceedings, that the success of the French Republic was intimately united with the success of their own; that they were embarked in one common cause, and that their hope and reliance was not upon a majority of the people in this country joining them? for I think even the report of that Committee of Constitution shews that they had no hope of obtaining that majority, but that they should obtain so large a party, that with the success of the French Republic, they should be able finally to accomplish their object; at least, that that was the time to strike. “Now is the time for us to do something worthy of men. The brave defenders of liberty south of the English Channel are performing wonders, driving their enemies before them like chaff before the whirlwind. The London Corresponding Society is to have a general meeting, and an anniversary dinner, on Monday the 20th instant, at the Globe Tavern, Strand.” Adverting, you see, in this letter to that intended meeting of the 20th of January, a meeting upon which my learned friends have not dared to say one single word; adverting to that meeting of the 20th of January, as the time when it might reasonably be supposed that something would be done in consequence of the former part
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of the letter---when they were to do something worthy of men.

Gentlemen, there is one passage in this letter, trifling as it may appear, which I cannot avoid observing upon, because it is a passage which, give me leave to say, a little contradicts that character which we have heard so much of. "I have sent you some of Margarot and Skirving's indictment, with two copies of a pamphlet on brewing. The author is a member of our society. If you approve of it, you may put it in practice. It will be of great saving to many families, also a diminution of the revenue; for every one brewing their own beer pays no duty for it." So that the prisoner had in his contemplation a diminution of the revenue of the country, as an object which he thought fit to recommend; not simply for the purpose of saving money to families, but as it would effect a diminution of the revenue, and therefore, as he conceived, effect the persons whom he considered as nominally the constituted government of the country. It is a trifling circumstance, Gentlemen, but trifling circumstances like these strike us, when they are the natural overflowings of a man's mind, because they shew the intention of that man's mind more strongly than stronger ones.

Gentlemen, the next thing I shall notice to you is the proceedings of the Society for Constitutional Information on the 17th of January; upon which, you will likewise recollect, that no observation has been made by either of the learned Counsel, and that no other member of the society has been called to explain them. The resolutions are these:

"Resolved, That law ceases to be an object of obedience whenever it becomes an instrument of oppression.

"Resolved, that we recal to mind, with the deepest satisfaction, the merited fate of the infamous Jefferies, once Lord Chief Justice of England, who, at the æra of the glorious Revolution, for the many iniquitous sentences which he had passed, was torn to pieces by a brave and injured people.

"Resolved, That those who imitate his example deserve his fate."

Why, Gentlemen, when these resolutions are considered, with reference to that which follows, what is the meaning of them, but an incitement to these people in Scotland, for you see it has reference to the trials in Scotland, to follow the example of those who are represented as having torn to pieces the infamous Jefferies?

"Resolved, That the Tweed, though it may divide countries, ought not, and does not, make a separation between those principles of common severity, in which Englishmen and Scotchmen are equally interested; that injustice in Scotland is injustice in England; and that the safety of England is endangered when-

ever their brethren of Scotland, for a conduct which entitles them to the approbation of all wise, and the support of all brave men, are sentenced to Botany Bay, a punishment hitherto inflicted only on felons."

Why, then, here they resolve, that the conduct of these people in Scotland was not only not blameable, but that which entitled them to the approbation of all wise, and the support of all brave men. Now, Gentlemen, the epithet brave, is there pretty striking; a peaceable and constitutional support of a man does not require much bravery, but a support by force may require bravery: therefore, when the approbation of all wise, and the support of all brave men is called for, one may easily guess what was meant by those persons who enter into these resolutions.

Then they say---"Resolved, That we see with regret, but we see without fear, that the period is fast approaching when the liberties of Britons must depend, not upon reason, to which they have long appealed, nor on their powers of expressing it, but on their firm and undaunted resolution to oppose tyranny by the same means by which it is exercised."

What is that, but an explicit declaration, that the time was fast approaching, when they conceived it would be necessary to exert force? necessary, according to their ideas; whether necessary or not, you cannot determine; because it never can be an object of determination for a Jury, or any Court of Justice, whether the subjects of a government are entitled to rise in rebellion against the government of the country, in consequence of any conduct of that government. It is a question which, whenever it does arise, can only be decided by the sword. They never can come into discussion in a Court of Justice. And, therefore, if the conduct of a government be ever so oppressive, a Court of Justice cannot discuss it, where the occasion has arisen which amounts to the dissolution of all governments, and when itself, therefore, can have no authority to act.

This resolution follows---"Resolved, That we approve of the conduct of the British Convention, who, though assailed by force, have not been answered by arguments; and who, unlike the members of a certain assembly, have no interest distinct from the common body of the people." A resolution, by which they not simply adopt all their proceedings, and all their conduct, but particularly and distinctly adopt that part of their conduct in which they declared themselves a Convention of the People; and declared that they meant by it, that they were representatives of the common body of the people.

The next resolution is---"That a copy of the said resolutions be transmitted to Citizen Skirving, secretary to the British Convention, who is now imprisoned, under colour of law, in the Tolbooth of Edinburgh."

Gentlemen,

Gentlemen, this leads me to the proceedings of the 20th of January, 1794, at the Globe Tavern, in the Strand; and these proceedings are extremely strong. You will recollect, Gentlemen, that these proceedings appear to have been fully a concerted business; that they were nothing like the act of the persons who met there, but that they were proceedings previously determined upon. Mr. Thelwall, I think, seems to have had the principal hand in it, and delivered some bills to be printed by Davidson the printer, (who was examined,) on the 18th of January.

Gentlemen, these proceedings purport to be, "At a General Meeting of the London Corresponding Society, held at the Globe Tavern, Strand, on Monday the 20th day of January, 1794, Citizen John Martin in the Chair, the following Address to the People of Great Britain and Ireland was read and agreed to." So that here you see, they determined to proceed with a sort of caution, which had not been observed in the proceedings of the Convention at Edinburgh, in the preparing the minds of the people for the meeting of an assembly which should assume the character of a Convention of the People.

Gentlemen, you will recollect, this was an idea which clearly had occurred to persons connected with the conspiracy, and particularly originated from the conversation of Mr. Yorke, which is in evidence.

This address, speaking of the abuses supposed to exist in the British government, and, speaking of the laws of the country, says, "We are every day told by those persons who are interested in supporting the corruption list, and an innumerable host of sinecure placemen, that the constitution of England is the perfection of human wisdom, that our laws (we should rather say their laws) are the perfection of justice." And then they proceed to speak of the administration of the country. They then state a number of proceedings, which they think fit to find fault with---the Convention Bill of Ireland, and the proceedings in Scotland; and they add---"In Scotland, the wicked hand of power has been impudently exerted, without even the wretched formality of an act of Parliament:" (having before adverted to the act that had passed in Ireland:) "Magistrates have forcibly intruded into the peaceful and lawful meetings of freemen, and by force (not only without law, but against law,) have, under colour of magisterial office, interrupted their deliberations, and prevented their association." A declaration, that they conceived that the dispersion of that Convention in Edinburgh was an illegal act. Then they add---"The wisdom and good conduct of the British Convention at Edinburgh has been such as to defy their bitterest enemies to name the law which they have broken; notwithstanding which, their papers have been seized, and made
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use of as evidence against them, and many virtuous and meritorious individuals have been as cruelly as unjustly, for their virtuous actions, disgraced and destroyed by infamous and illegal sentences of transportation. And these unjust and wicked judgments have been executed with a rancour and malignity never before known in the land: our respectable and beloved fellow-citizens have been cast fettered into dungeons among felons, in the hulks, to which they were not sentenced."

Gentlemen, what are those virtuous acts of the British Convention, when we read them? Are not the whole of them a conspiracy of sedition, of treason, and rebellion against the government of the country? And yet these are the acts which the London Corresponding Society thinks proper to call virtuous acts, and which the Society for Constitutional Information describes as those which entitle them to the approbation of all wise, and the support of all brave men.

Why, Gentlemen, persons who declare themselves with respect to such an assembly as the British Convention was, declare themselves adverse not only to the existing government, but to all governments; and if individuals may thus act, it is impossible for any government to exist. They then proceed here and say, "Citizens, we all approve the sentiments, and are daily repeating the words, for which these our respectable and valuable brethren are thus unjustly and inhumanly suffering. We, too, associate, in order to obtain a fair, free, and full representation of the people,---" Where? In the House of Commons? No! "---in a House of real National Representatives."

Why here is an express declaration, that they do not mean a House of Commons, a declaration, that they associate to obtain a fair, free, and full representation of the people in a House of real National Representatives. Why do they declare this now? Because they say, that now was the time or never, as Mr. Hardy expressed in that letter---"Now was the time for them to do something worthy of men; the French were driving their enemies before them like the chaff before the whirlwind." They add---"Are we also willing to be treated as felons for claiming this our inherent right, which we are determined never to forego but with our lives, and which none but thieves and traitors can wish to with-hold from us." Their inherent rights they declare, in the Committee of Constitution, to be the right of every citizen, not only to a share in the legislature, but in the executive government of the country; that that right could only be exercised by an election of the representatives in government; and here you find they associate to obtain a fair, full, and equal representation in a House of real National Representatives; and they considered that as their inherent right, which they were determined never to forego but with their lives.

Gentlemen,

Gentlemen, what is this, but the clearest and most decisive declaration of the intentions of men, when combined with all that is gone before, and may explain any thing ambiguous in it? For, it appears to me, that this paper has nothing ambiguous in it; what is it, but declaring, that they were associating, that is, that they had conspired to obtain an equal representation in a House of real National Representatives, and such a House only; and that they claim this as an inherent right, and that they were determined to assert that right, at the hazard of their lives? For when people say they are determined never to forego that right but with their lives, it amounts to exactly the same thing as to say, they are determined to assert that right at the hazard of their lives.

Gentlemen, what construction can be put upon this, but that they meant to use force? or else, why do they add the most direct incitement that can possibly be conceived to all the members of their society to use force? And, indeed, to all the persons to whom the letter was an address, for it is an address to the people of Great Britain and Ireland. It adds---“Can you believe, that those who send virtuous Irishmen and Scotchmen, fettered with felons, to Botany Bay, do not meditate, and will not attempt to seize the first moment to send us after them? Or if we had not just cause to apprehend the same inhuman treatment, if, instead of the most imminent danger, we were in perfect safety from it, should we not disdain to enjoy any liberty or privilege whatever, in which our honest Irish and Scotch brethren did not equally and as fully participate with us? Their cause, then, and ours, are the same; and it is both our duty and our interest to stand or fall together. The Irish Parliament, and the Scotch Judges, actuated by the same English influence, have brought us directly to the point. There is no further step beyond that which they have taken. We are at issue.” What is the meaning of these words, “We are at issue?” that is, meaning we are come to the point; we must contend force with force, arms with arms; there can be no other meaning. “We must now choose at once either liberty or slavery for ourselves and for our posterity. Will you wait till barracks are erected in every village, and till subsidized Hessians and Hanoverians are upon us?” In the very moment they slander the government of the country by these expressions, they clearly and expressly convey the meaning they wish to convey---they assert, that the government of this country has it in contemplation to oppose them by force, and that the government of the country having formed that intention, they are determined also to make use of force. “There is no further step beyond that which they have taken; we are at issue; we must now choose at once either liberty or slavery for ourselves or our posterity; and that they would not wait till the government

ment should take more effectual steps for the purpose of restraint." They add---" You may ask, perhaps, by what means shall we seek redress;" and here observe, how the same language is echoed back in different words, in a variety of publications, all originating in the address of the 6th of August, 1792, and shewing that the leading men at least had the same thing in view, at least from that period. " You may ask, perhaps, by what means we shall seek redress---we answer, that men in a state of civilized society are bound to seek redress of their grievances from the laws, as long as any redress can be obtained by the laws. But our Common Master, whom we serve, (whose law is a law of liberty, and whose service is perfect freedom,) has taught us not to expect to gather grapes from thorns, nor figs from thistles. We must have redress from our laws, and not from the laws of our plunderers, enemies, and oppressors." If I translate these plain words into plain meaning, what is it but this?---You may ask, perhaps, by what means shall we seek redress---we answer, that men in a state of civilized society are bound to seek redress by the laws, as long as any redress can be obtained by the laws; but when all laws are violated, then that bond by which all civilized society is kept together, is dissolved, and we have a right to act for ourselves. That is the clear interpretation of the first part. It adds---" But how can they expect to gather grapes from thorns, or figs from thistles?" What do they mean by the thorns and the thistles, but the King and the Parliament? They could not expect any redress from them, or at least from the Parliament, because they could not expect to gather grapes of thorns, or figs of thistles; we must have redress from our own laws, and not from the laws of our plunderers, enemies, and oppressors. What does this mean, but from a Convention of the People? and this is an address to the people.---Ourselves! who are ourselves, but the people? Why, then, we, the people, must have redress from our own laws, and not from the laws of our plunderers, enemies, and oppressors; characterising, by these terms, the constituted authorities of the country. Then they add---" There is no redress for a nation, circumstanced as we are, but in a fair, free, and full representation of the people."

Why, Gentlemen, these are declarations clear and plain. My learned friend called for such declarations. Can any thing be more clear and more plain? There is no caution used; they determine now to lay aside all caution; and you will observe, that my learned friend did not attempt to say one single word in explanation of any part of this transaction, that they are for a free and full representation of the people, which they describe have been over and over again explained in their resolutions, their public addresses, the report of the Committee of Constitution,

tion, and elsewhere; that it is utterly unnecessary for me to go over it again, except to observe, that, by a full, a fair, and free representation of the people, they mean, on all occasions, a perfect representation of the people---namely, a representation of the people in an assembly which should act as a National Convention, like the National Convention of France, by means of which every citizen should have the right of sharing in the government of the country, legislative and executive.

Why then here, Gentlemen, they have clearly and openly declared their resolution to have such a Convention of the People, and to create a Republic upon the principles of the rights of man. Now, if a man had proclaimed in this country the Pretender, by which he had declared his intention to establish upon the throne of this country that family which has been driven from it, instead of that which has been placed upon the throne, no man would entertain the slightest doubt but the very act of proclaiming, under these circumstances, the mere act of proclaiming, would have been high treason. And my learned friend will recollect, that, in the course of the trial of Mr. Laver, the Counsel for the Crown say, You object to the effect of a particular thing. Why suppose a man had proclaimed the Pretender, and then had gone away, and the proclamation could not have been found, what would have been the effect of that---could he not have been tried for high treason? Yes, says Mr. Hungerford, who was no way a friend to that government, the very act of doing such a thing would have been an overt act of high treason. Then, Gentlemen, is there any difference between the proclamation of a Pretender and the proclamation of a Republic? If the proclaiming the Pretender would have been an overt act of high treason, which there is no doubt but it would, would not a proclaiming of a Republic be the same? And is not this resolution of the 20th of January proclaiming a Republic? It may be said, that this is merely a proclamation that there should be such a government, but not that it shall instantly take place; but, in cases of treason, the conception of the mind once formed, any steps taken towards that, completes the treason; and it is not necessary that any effective steps should be taken.

Then they come to the following resolutions---“Resolved, That, during the ensuing session of Parliament, the General Committee of this Society do meet daily, for the purpose of watching the proceedings of Parliament, and of the administration of the government of this country.” Then they borrow a resolution from this British Convention, whose conduct they approve, dropping only those which they thought not safe to introduce into the proceedings, the case of an invasion.

“Resolved, That upon the first introduction of any bill or motion inimical to the liberties of the people, such as for landing foreign

foreign troops in Great Britain or Ireland, for suspending the Habeas Corpus Act, for proclaiming martial law, or for preventing the people from meeting in societies for constitutional information, or any other innovation of a similar nature---" words leaving it open for almost any thing---" That on any of these emergencies the General Committee shall issue summonses to the delegates of each division, and also to the secretaries of the different societies affiliated, and corresponding with this society, forthwith to call a General Convention of the People, to be held at such places, and in such manner, as shall be specified in the summons, for the purpose of taking such measures into their consideration."

Gentlemen, you will recollect, that, just at this time, the Society for Constitutional Information, who were always acting in their way, in support of the measures first adopted by the London Corresponding Society, thought fit to elect Barrere, St. André, and Roland, as honorary members of their society, declaring, that they considered them as the most enlightened friends of freedom---judicious, I believe, they likewise call them.

Why, Gentlemen, the mere election of such persons to be their members, is, in fact, in some sense, to adopt their principles; but when they, in the act of election, say they elected them on account of their principles as friends of freedom, when they say they elected them as those which are the most judicious and enlightened men, they really transfer all the declarations and avowed principles of the persons so elected to their own society, and make them in effect the principles of their own society. You may recollect, they do this further, by re-publishing the speeches of St. André and Barrere, upon the execution of the King of France, and upon the French Convention; and you will particularly recollect, how Mr. Barrere, in his speech, describes the National Convention. Upon the first question---"Whether the person of the King is inviolable---" and he describes that which seems to me to be very important, and I beg leave to call it to your attention, though the Attorney General remarked upon it very considerably in the observations which he made upon it. Barrere says---"Whether the person of the King be inviolable, the people of Paris, by making an holy insurrection against the King, on the 10th of August, deprived him of his character of inviolability. The people of the other departments applauded this insurrection, and adopted the consequences." The people have therefore formally interposed to destroy this royal inviolability. The tacit consent of the people rendered the person of the King inviolable. The act of insurrection was a tacit repeal of that consent, and was founded on the same grounds of law as the consent itself. The King's
person

person is inviolable only with relation to the other branches of the legislature, but not with relation to the people.

Why, then, the calling the attention of the public (which is equal to publishing) to these speeches, shews the intent with which these persons were going on; and that when they intended to call a General Convention of the People, and supposing that Convention to be approved of by the other parts of the country, they would have considered the people as having formally interposed their power to destroy the royal inviolability; for an assembly of the people acting as such, and supported by the power of the people, must of necessity have been an insurrection against the existing government of the country.

He proceeds to discuss, then, whether an appeal should be made to the people; and he says---“The people is the sovereign; a Convention differs from an ordinary legislature in this respect; a legislature is only a species of superintending magistracy, a moderator of the powers of government; a Convention is a perfect representation of the sovereign. The members of the Legislative Assembly acted in August upon these principles. In summoning the Convention they declare, that they saw but one measure which could save France---namely, to have recourse to the supreme will of the people, and to invite the people to exercise immediately that unalienable right of sovereignty, which the constitution had acknowledged, and which it could not subject to any restriction.” Then he says---“The public interest required that the people should manifest their will by the election of a National Convention, formed of representatives invited by the people, with unlimited powers. The will of the people is manifested by the election of this Convention. The Convention being assembled, is itself that sovereign will which ought to prevail. It would be contrary to every principle to suppose that the Convention is not alone exclusively the expression of the general will.”

Gentlemen, then having declared that, they declare that, under the present circumstances, there should be forthwith called a General Convention. Having adverted to the principles laid down, as principles which they thought judicious and enlightened, what is the necessary consequence, but that they thought that principles such as these were wise and judicious; and that they considered the Convention to be of the nature contained in this speech which I have already stated to you?

The address goes on, and in resolutions proceed to approve of the British Convention, and of “Skirving, charged by the sentence of the Court of Justiciary with the *honor* of being the cause of calling that Convention, and their condemned delegates;” and then one of the resolutions is---“That the following toasts, drank at this anniversary dinner of the society, be printed at the end of the address---Success to the arms of freedom,

against whomsoever directed; and, Confusion to despots, with whomsoever allied."

Now, Gentlemen, these words, though they do admit of another interpretation, they are in themselves general, and considering the complexion of this transaction, they do apply themselves most directly to that which was the object of the various meetings---namely, the establishment of a Convention of the People, for the purpose of maintaining their own (as they conceived) cause of freedom, and which it is perfectly clear, under certain circumstances, they meant to have recourse to.

There is another of these toasts which there may be a degree of ridicule in, but which I think would refer to what has been shewn to you as perfectly clear what is meant.

You will recollect, that Barlow has said, in his letter to the French Convention, that a King was good for nothing; and one of their toasts is---"All that is good in every constitution; and may we never be superstitious enough to reverence in any that which is good for nothing." Now the words "superstitious enough to reverence in any that which is good for nothing," carry such direct reference to the words of Mr. Barlow and the works of Mr. Paine, in which monarchy has been treated as a superstitious reverence, that it is impossible to doubt what these people meant when they gave that as a toast; and you will find, in a variety of the State Trials, that toasts drank in these sort of meetings by persons employed in these sort of transactions have always been considered as important evidences of the minds of the persons so meant, because they are given for the express purpose of animating the persons so assembled to the very act that they mean, in taking advantage of the gaiety of the convivial hour, in which their hearts are most open to receive any impression they may think proper to make upon them.

Gentlemen, there are several other toasts, which are such as will be deemed offensive, especially when we consider the spirits of the persons who made use of them.

Gentlemen, they then proceed to the assembling of this Convention, which, in the resolution of the 20th of January, they had not expressly declared should be assembled, but under certain circumstances; and, on the 27th of March, 1794, Mr. Hardy, the prisoner at the bar, writes a letter to the secretary of the Constitutional Society, in which he says---"I am directed, by the London Corresponding Society, to transmit the following resolutions to the Society for Constitutional Information, and to request the sentiments of that society respecting the important measures which the present juncture of affairs seems to require. The London Corresponding Society conceives, that the moment is arrived when a full and explicit declaration is necessary from all the friends of freedom." Therefore this letter from Hardy declares, that that moment was arrived which was alluded to in
the

the preceding resolutions of the 20th of January; and then they state that---“ The Society for Constitutional Information is therefore required to determine whether or no they will be ready, when called upon, to act in conjunction with this and other societies, to obtain a fair representation of the people---Whether they concur with us in seeing the necessity of a speedy Convention, for the purpose of obtaining, in a constitutional and legal method, a redress of those grievances under which we at present labour, and which can only be effectually removed by a full and fair representation of the people of Great Britain. The London Corresponding Society cannot but remind their friends, that the present crisis demands all the prudence, unanimity, and vigour, that ever was, or can be, exerted by men or Britons; nor do they doubt but that manly firmness and consistency will finally, and they believe shortly, terminate in the full accomplishment of all their wishes.”

Why, Gentlemen, here is a full declaration, in this letter, written by the prisoner at the bar, that he looks forward to the full accomplishment of all his wishes. What those wishes are, have been already fully and sufficiently declared; that his wishes were to establish in this country a representative government, founded upon the broad basis of the rights of man, the annihilation of monarchy, the annihilation of what he calls aristocracy, the annihilation of all ranks and distinctions of men, and giving equal active citizenship, or equal right, to every individual, to the government of his country, legislative and executive; in fine, a complete establishment of a full republican government, without a King, without a House of Peers, and without any of those circumstances which belong to the constitution of the country as now established.

Gentlemen, he considered that that crisis was now arrived which requires all the prudence, unanimity, and vigour, that ever was, or could be, exerted by men or Britons, with a sort of attention to his countrymen; meaning to flatter their national vanity a little, supposing that Britons had been used to exert that prudence, unanimity, and vigour, beyond that which is usually exerted by others.

Gentlemen, they then come to resolutions which, in a considerable degree, echo back the language of the resolutions of the London Corresponding Society, on the 20th of January. They resolved---“ That dear as justice and liberty are to Britons, yet the value of them is comparatively small without a dependence on their permanency, and there can be no security for the continuance of any right but in equal laws; that equal laws can never be expected but by a full, fair, and free representation of the people; to obtain which,” and then comes again that little system of delusion which they have, at every turn, thought proper to make use of; “to obtain which, in the way pointed out by

the constitution, has been, and is, the sole object of this society." Now no way had been pointed out but that of a petition to the legislature, which it is perfectly clear they had not the least in view. "For this we are ready to hazard every thing, and never, but with our lives, will we relinquish an object which involves the happiness, or even the political existence, of ourselves and posterity."

Why, Gentlemen, when, as I before observed, men say they never will, but with their lives, relinquish an object, when they say the crisis is come which, they hope, will terminate in the full accomplishment of all their wishes, that is, the full accomplishment of that object, what can they possibly mean but that they will attempt, to the utmost hazard of their lives, to attain that object, and consequently that they will use force for the purpose of obtaining it? Then they proceed to add---"That it is the decided opinion of this society, that, to secure ourselves from future illegal and scandalous prosecutions, to prevent a repetition of wicked and unjust sentences, and to recal those wise and wholesome laws that have been wrested from us, and of which scarcely a vestige remains, there ought to be immediately a Convention of the people, by delegates deputed for that purpose from the different societies of the friends of freedom assembled in the various parts of this nation. And we pledge ourselves to the public to pursue every legal method speedily to accomplish so desirable a purpose."

Why, Gentlemen, the previous resolutions of the 20th of January shew what object it was that they really had in view---namely, the establishment (under the words fair, free, and full representation of the people,) of a representative government, in a House of National Representatives; in other words, a complete republican government, and to redress those grievances that they labour under, when, in their prior resolutions, on the 20th of January, they say, they could not expect redress from any existing authorities; that they considered themselves as persons, who, though they had been considered as being in a state of persons in a civilized society, who were absolutely authorized to associate in a Convention; therefore they must seek redress from their own laws, because no redress could be obtained from their plunderers, enemies, and oppressors.

Gentlemen, taking these proceedings altogether, the purpose and the end of them is clear. Gentlemen, as to the other proceedings, tending more directly to assemble this Convention, it is immaterial for me to state to you, except upon the observation of my learned friend Mr. Gibbs---namely, that the resolution having taken place to assemble the Convention on the 12th of April, was not directly proceeded upon; but, you will recollect, that the Committee of Co-operation and Correspondence was formed for the purpose of carrying into execution those resolutions;

tions; and it became a necessary part of the scheme, therefore, to engage all the other societies in the kingdom in the same measure; and therefore, for that purpose, a circular letter was printed, which has been produced; it was sent in the name of the prisoner at the bar. The circular letter followed up the resolutions of the 20th of January---namely, that the crisis was now arrived on which they ought to act. The circular letter begins thus---“Citizens, the critical moment is arrived, and Britons must either assert, with zeal and firmness, their claims to liberty, or yield, without resistance, to the chains that ministerial usurpation is forging for them. Will you co-operate with us in the only peaceable measure that now presents itself with any prospect of success? We need not intimate to you, that notwithstanding the unparalleled audacity of a corrupt and overbearing faction, which at present tramples on the rights and liberties of the people, our meetings cannot, in England, be interrupted without the previous adoption of a Convention Bill; a measure, it is our duty to anticipate, that the ties of union may be more firmly drawn, and the sentiments and views of the different societies throughout the nation be compared while it is yet in our power, so as to guide and direct the future operations of the friends of freedom. Rouse then to one exertion more, and let us shew our consciousness of this important truth. If we are to be beaten down with threats, prosecutions, and illegal sentences, we are unworthy, we are incapable of liberty; we must, however, be expeditious; Hessians and Austrians are already among us, and, if we tamely submit, a cloud of these armed barbarians may shortly be poured in upon us.” Words which most clearly shew the purpose for which all that clamour was raised, on the subject of the Hessians being landed in this country; and these words are made use of to the country societies for the purpose of inducing them to take measures, into which, otherwise, they could not have been led, except they had been precipitated by the subject of this address.” “Let us form, then, another British Convention.” What is that but another such Convention as that in Edinburgh, declaring itself a Convention of the People, and not only acting as a Convention of the People, but taking upon itself by degrees, and clearly shewing its intention to take upon itself, whenever strong enough so to do, the whole government of the country? The letter adds---“We have a central situation in our view which, we believe, would be most convenient for the whole island, but which we forbear to mention (entreating your confidence in this particular) till we have the answer of the societies with which we are in correspondence. Let us have your answer, then, by the 20th at furthest, earlier if possible, whether you approve of the measure, and how many delegates you can send, with the number also, if possible, of your societies.”

Now,

Now, Gentlemen, the place of meeting of this Convention was to continue a secret, that secrecy which you find throughout to every measure, and which most clearly demonstrates that their intentions were not honest.

Gentlemen, this letter produced letters in answer; some of which have been read to you; the Norwich letter, dated 22d of April, 1794---“ It is with great satisfaction we view the manly conduct of you and your colleagues, especially when surrounded as you are by a domineering aristocracy, who, notwithstanding the great bluster, are but chicken hearted.” Then it concludes thus---“ We should be glad to know whether the friends of the people consent to a Convention, and whether they will take an active part.”

Gentlemen, other societies likewise sent letters. On the 11th of May, 1794, here is one from Sheffield, in which it is stated that several meetings were held in the open air, in order to consider of measures proper to be adopted preparatory to a general Convention; after which our “ worthy friend, citizen Edwards, of Hallifax, being ordered to Sheffield to get the proceedings of the meeting printed, and consult with us upon the subject, they were advised by us to defer at present the meeting of delegates until further information could come from the prisoner at the bar upon that subject.” So that it is clear the thing was proceeding. This is dated the 11th of May, and you will recollect, upon the 12th this unfortunate man was arrested.

Gentlemen, there is a letter which is written by himself on the 1st of May, 1794, which clearly and directly states the ideas which he had formed upon what was to be the consequences of the measures they were about to adopt. There is a letter from Newcastle-upon-Tyne, 24th April, 1794, stating that they had heard nothing of the Convention, and “ being charmed with your masterly and bold approbation of the conduct of your delegates and noble martyrs for truth, Margarot and Gerald, and finding your name signed as secretary to the Corresponding Society, we wish to copy your example;” and they conclude with hoping the hydra of tyranny and imposition will soon fall under the guillotine of truth and reason. To this the prisoner at the bar, on the 1st of May, writes this answer: “ It is with pleasure the London Corresponding Society hear that a society on a similar plan, and with the same patriotic objects in view, is likely to be established at Newcastle-upon-Tyne. If ever a crisis arrived that required the exertions of the people to stop the torrent of corruption, infamy, and despotism, that seems likely to overwhelm them, it is the present.---In God’s name, then, let us use these exertions. We are called upon by every thing that is dear to us as men and as Christians. The cause of truth and liberty must finally be omnipotent; therefore, doubt not that the glorious reign of liberty and equality, will ere long be established, and modern

modern governments, with every appendage of wickedness and corruption, will flee in time from their genial influence, as beasts of prey to their dens of rapine and darkness from the rising sun."

Why, Gentlemen, does not this include the English government, and does it not clearly and directly prove what the prisoner at the bar had in his contemplation, as the result and consequence of the proceedings which were then in hand? Had he not directly in view that which, throughout all his letters, you see they consider as arrived, which calls for the exertions of the people to stop the torrent of corruption, infamy, and despotism, that seems likely to overwhelm them, when what he calls the glorious reign of liberty and equality will ere long be established, and that the British government, in common with other modern governments, as he calls them, with every appendage of wickedness and corruption, will flee in time from their genial influence, as beasts of prey to their dens of rapine and darkness from the rising sun? Continually alluding to that which had been said in that address from the Society for Constitutional Information to the National Convention of France, in which they allude to what has passed in America, when a brilliant light that was to break in upon men, that sun of reason that was to enlighten the world, that sun of reason was to come from the east, was to come from France; before which modern governments, every appendage of wickedness and corruption, will flee in time from their genial influence, as beasts of prey to their dens of rapine and darkness.

Gentlemen, there can be no doubt but that in this he adverted to the proceedings that were then going forward; for, he says---"The London Corresponding Society are ready, cordially to unite with every other society in the three kingdoms, who have for their object a full and effectual representation of the people, and therefore have deputed six of their members," which you recollect were "to meet six members of the Society for Constitutional Information, to form a Committee of Correspondence and Co-operation. This Committee meets regularly twice a week, at No. 2, Beaufort Buildings, Strand, where any member delegated by your society will meet with every information required." So that the prisoner himself states, on the 1st of May, not that nothing was doing, but, on the contrary, that the Committee of Co-operation was regularly meeting twice a week, at that place of Thelwall's, No. 2, Beaufort Buildings, where any body from this Newcastle society might meet with every information required. He then concludes---"We inclose you a few of our resolutions entered into at our general meeting, on the 14th of April, which will be sufficiently explanatory of our sentiments and views. We heartily unite with you (repeating the words that had been used

in

in the letter, to which this was an answer,) in wishing that the hydra of tyranny and imposition may soon fall under the guillotine of truth and reason."

Gentlemen, on the 14th of April, an intermediate transaction had taken place---namely, the proceedings at Chalk Farm, and the proceedings at Sheffield. You will recollect, the meeting at Chalk Farm was originally intended to be on the 7th of April, and from the letter it appears that there were general meetings of the same kind, intended to have been held throughout the whole country; but the proceedings at Sheffield, of which we have a very particular account, seems to shew the whole intent and object of all those persons. The person who acted principally was a person of the name of Yorke, whom you have seen before you, in the character of the Delegate from the Constitutional Society to the Convention assembled at Edinburgh, but who never went, I believe, to that meeting; I believe, from disapprobation of their conduct, of which evidence has been given.

Now, Gentlemen, at this meeting at Sheffield, of which we have the proceedings, Mr. Yorke comments first of all upon a variety of memoirs, and on the nature of the government of the country, and upon that which was within the views and intentions of all the persons that were assembled upon that occasion, as he supposed. Those proceedings which seems to have been material, appear to be printed beforehand, as they were immediately given amongst the assembly.

Gentlemen, he there adverts to that which was afterwards adverted to in the proceedings of the Society for Constitutional Information, and in those of the London Corresponding Society; the supposed idea that there was to be an introduction of a foreign mercenary army into the country, for the purpose of preventing the people from meeting in Convention. He says--- "It is doing too much honour to innocent subjects to be alarmed at a few pages of writing, or at a few fugitive orations, when barracks are erected in a country, and 60,000 armed mercenaries are ready to execute the mandates of government." He then states---

"Fellow-citizens, the day is at length arrived when fanaticism and superstition, deprived of their tinsel trappings, and exposed in their native ugliness to the view of mankind, sink scowling back to the cave of obscurity---there, I hope, they will for ever remain." The use of which language is almost similar to that in a letter of Hardy, which I before noticed to you, and which shews the general correspondence and communication between these parties, and the manner in which they borrowed one from another. Those expressions which they made use of, the fanaticism and superstition to which he alludes, are fanaticism and superstition, including the prejudice which the people

people had in favour of the established government of their country. To which he adds---“The energy of Englishmen will no longer endure this strange uproar of injustice.” And then, after taking notice of the prosecutions which had taken place, as stated to you by the Attorney General, it says, the people came to the following resolutions, which resolutions were not heard and not known by the far greater part of the assembly, and yet they are said to be adopted, with the exception of one or two persons present---“First, that the people being the true and only source of government, the freedom of speaking and writing upon any subject cannot be denied to the members of a free government without offering the grossest insult to the majesty of the people.” Then he goes on---“In the course of these proceedings it was moved, That a petition be presented to the House of Commons, for a reform in the representation of the people in Parliament; but so marked was the disapprobation given by the whole meeting to this measure, that not one single person seconded the motion, but a most profound silence, interrupted only by a few murmurs, was observed.”

Gentlemen, you will recollect it is in evidence before you, that all this, respecting the petition to be presented, was a contrivance; that it was never intended that any such petition should be seriously debated, but that it was brought forward by a person with this Mr. Yorke, merely for the purpose of being rejected. “Upon this Mr. Yorke again rose and addressed the meeting in a most animated speech of an hour long,” in which he says, “It was high time that the people should lay aside leaders, discard faction, and *act for themselves*.” I beg leave to observe upon this---“That the people should lay aside leaders, discard faction, and *act for themselves*.”

In the first place, Gentlemen, when the London Corresponding Society had presented a petition to the House of Commons, they had applied to Mr. Fox to present that petition: Mr. Fox tells them, as you are my constituents, I will unquestionably present it; but I will tell you beforehand, that I totally disapprove of universal suffrage and annual Parliaments; and therefore they must be perfectly clear, that any petition that they should think proper to send to Parliament, upon the grounds stated, would be rejected, for they would never stop short of what they required---universal suffrage and annual Parliaments; they knew they should be opposed by one of the most able men in this country, and a man who, for a great course of years, has acted in opposition to the government.

They then applied to Mr. Francis, who has been examined upon this trial, and Mr. Francis tells you, that he told them explicitly at the time that they desired him to present that petition, that he likewise disapproved of the prayer of their petition; that he should oppose it likewise to the utmost of his power.

You will also recollect, Mr. Francis was not, in the least, aware of the purpose for which this petition was presented; he was not, in the least, aware that they had no serious intention in presenting this petition; they contrived completely to keep this from him; that their object was only to raise discontent; that was an object that was in no degree whatever stated to him, nor a variety of other circumstances which occurred in the transaction, and which have now escaped my memory.

Gentlemen, they had likewise known this---that the Society of the Friends of the People would listen to no such measure---the London Corresponding Society had artfully enough continued to keep up a correspondence with the Friends of the People after that society had discarded the Constitutional Society, because they saw that the Constitutional Society was aiming at those things which they disapproved.

Why, Gentlemen, they knew, therefore, that all those persons who were not uniform in their support of the administration of the country, but were in opposition to this opposition, that all those persons (at least I know of no exceptions) would all oppose that very plan of reform which these societies meant to introduce, and, therefore, they knew they could not possibly do any thing by a petition to the House of Commons; that a petition to the House of Commons must necessarily be nugatory, because they declared they would be contented with nothing less than that which could not be granted; and all parties agree, that what they wanted they would not support.

Mr. Yorke says---“It is now high time that the people should lay aside leaders, discard faction, and *act for themselves.*” He then strongly enforced those principles, and said, that the object of the resolution could not be answered, except annual Parliaments and universal suffrage was restored; and says---“No sooner was the Prince of Orange established on the throne of England, than all ideas of the ancient mode of annual Parliaments were effaced, and the triennial act was passed in the very face of that revolution, and in direct contradiction to its principles; for the revolution, at least so far as it respected the people, was not intended to be a compromise between the King and the Aristocracy, for the joint inheritance of the people, but to establish, on unequivocal principles, the right of the people to govern themselves, and to recal those delegated powers which they had entrusted to their servants for this purpose, when they were either abused or neglected, to exercise them. If the revolution was not a revolution for the people, it was no revolution at all, but a conspiracy of a few ennobled oppressors against the liberties and happiness of the many; but if it was designed to comprehend the people, and its end has been perverted or purposely laid aside, the people are not warranted in petitioning, but are justified in demanding, as a right, agreeably to the tone of language

language used in the declaration of rights, the restitution of annual Parliaments, and the establishment of universal suffrage."

Then, Gentlemen, he proceeds, in an extremely long speech, to observe upon the effects of that universal emancipation to which he looked, saying---"That oppressed nature would, at a proper season, depart from passive principle; and, should an attempt be made to wrest what remains of liberty from us, I trust all men will concur to vindicate their violated rights, for if the attempt be suffered once, it will be often repeated." He concludes with saying---"When such a revolution of sentiment shall have dispersed the mists of prejudice; when, by the incessant thunderings from the press, the meanest cottages of our country shall be enlightened, and the sun of reason," of which we have heard so much, "shall shine in its fullest meridian over us, then the commanding voice of the whole people shall recommend the 558 Gentlemen in St. Stephen's Chapel to go about their business." Then there are several resolutions, one of which is---"Convinced of this truth, it is the opinion of this meeting, that the people ought to demand as a right, and not petition as a favour, for universal representation; that therefore we will petition the House of Commons no more on this subject." Now this has been attempted to be explained, by representing it as petitioning no more as individuals, but the resolution is clear and explicit, and it shews they could not mean that, because they say, convinced of the truth of the principles which they before laid down, it is the opinion of this meeting, that the people ought to demand as a right, and not to petition as a favour; and that, therefore, they will petition the House of Commons no more on this subject.

Now, Gentlemen, that being the case, the petition would just as much apply to individuals as it would to assemblies of great numbers---the petition would just as much apply to a Convention in Edinburgh, or a meeting elsewhere, as to this meeting. Then there was a large discourse and a petition prepared, with respect to the abolition of the Slave Trade; and then they speak of the rejection of their petition by the House of Commons. They say---"Although our petition was disdainfully rejected, because not couched in language sufficiently polite and respectful for the 558 Gentlemen who sit in the House of Commons, yet believe us, fellow-citizens, we are still of opinion that the matter it contained was not only just and proper, but we think that even the language, which gave so much offence to the Honourable Gentlemen, was much too polite and too moderate for us; for if the House of Commons were the real representatives of the people, we certainly had a right to dictate, and not to petition." And you will find, throughout the whole of this transaction, that they assumed that they had a

right to dictate, and not petition; and, therefore, you cannot form the slightest conception that a petition to the House of Commons was ever an object within their view.

Then they conclude---“But our petition being scouted; we shall trouble them no more with our coarse and unmannerly language. It will be our duty to proceed, as we have uniformly done hitherto, in enlightening the public mind; and when a complete revolution of sentiment shall take place (which we think will shortly be the case) in our country, we shall open our mouths in that key we think most agreeable to ourselves, and our voice, together with that of our disfranchised countrymen, will resemble perhaps the thunderings from Mount Sinai.” Clearly alluding to the idea that the opinion of the people supported a Convention, assembled and acting as a Convention of the People: speaking, therefore, under that character, the public will, as described in Barrere’s speech, would be irresistible, and that its thunderings would be in that key which the people who proposed would think most agreeable to themselves, and resemble the thunderings of Mount Sinai. In this address, then, they speak of their principles, and they say---“That these essential principles are both easy and comprehensive. On these we build our right to representation, and renounce the idea of future petitions, not simply from themselves, but from any other persons assuming their title as their right, and not to petition. By these maxims we find that every Englishman is free, and that in the election of a supreme magistrate, or in the delegation of legislative powers, he concedes his actions to a certain superintendant for the express purpose of preventing liberty from vaulting over its limits, and introducing a system of universal violence, injury, or licentiousness.” Applying election to the supreme magistrate, as well as to every other part of the government of the country, and therefore perfectly inconsistent with the present establishment of the British government.

Gentlemen, there are many other passages in this paper, which might be observed upon, but I am afraid I have already trespassed too much upon your time.

Now, Gentlemen, there is one subject on which I have hitherto said but little---with respect to the subject of arming, as it passed at Sheffield. What does it shew? It shews that the minds of the people in Sheffield were completely impressed, (I mean the people who belonged to these societies,) that their minds were completely impressed with the idea that some civil commotion was apprehended, and that in consequence of that civil commotion it was proper for them to provide themselves with arms for their defence; and I will take it, that those witnesses who spoke at your bar spoke perfectly serious, when they said they meant them for their own defence. But, Gentlemen, the purposes of Mr. Yorke, Davison, and Gales, who are the only three persons
that

that appear active on the occasion, were completely answered. They were armed for their own defence, or for any other purpose. They had armed them with a weapon easily used and cheaply obtained. They knew very well, as it came out upon the examination of one of the witnesses for the prisoner, that 10,000 such arms might be fabricated at Sheffield in one day: so that the actual fabrication of arms was unnecessary to be immediately thought of; nothing more was wanting than to put that thing in a train, for the purpose of obtaining arms when they were wanted, as they could be got with so much facility when it should be necessary: and the same thing may be observed with what passed in London. And as to that letter from Davison, it is perfectly certain, that letter must have been communicated by the prisoner, in some way or other, from Sheffield, or it could never have been known that the prisoner was the person to be applied to for a direction. It is perfectly clear that it must have been communicated in some way, though we cannot trace the manner in which it was communicated; but it was communicated to Edwards, or else he would not have known where to have got them.

Gentlemen, we shall see, that at a much earlier period, persons concerned in this transaction looked at what was going forward, and saw it would lead to extreme anarchy; and I allude more particularly to the letter of Skirving, of the 5th of July, to the prisoner at the bar, in which he clearly and explicitly states what his ideas on the subject were.

In that letter of the 5th of July, 1793, Mr. Skirving had it in his contemplation, that, by possibility, in a very short time, the whole country might be in anarchy and confusion. He says---“If we sought only the extirpation of one set of interested men, from the management of national affairs, that place might be given to another set, without affecting the vitals of the system adverse to reform. These might easily be accomplished; but to cut up deep and wide-rooted prejudices, to give effectual energy to the dictates of truth, in favour of public virtue, and national prosperity, in opposition to self and all its interested habits, and to withstand and overawe the final efforts of the powers of darkness, is the work of the whole, and not of a part; and to which mankind, till this awful period, were never adequate; because, never till now disposed to fraternize, not merely or only, I trust, from the sense of the common danger to which we are exposed, but from the ennobling principle of universal benevolence.”

And then he proceeds on the consequences of this plan of organization, which he said had been established, the object of which was to effect that reform he had proposed; and he adds, “The associations with you are no more I fear---excuse my freedom---than an aristocracy for the good of the people. They are indeed moderate, firm, and virtuous, and better cannot be; but

but we are the people themselves, and we are the first to shew that the people can both judge and resolve, if undirected by faction, with both wisdom and moderation.

"I have not a higher wish in the present exertions for reform, than to see the people universally and regularly associated; because, I am persuaded that the present disastrous engagements will issue in ruin, and the people then must provide for themselves; and it would be unhappy when we should be ready to act with unanimity to be occupied about organization; without which, however, anarchy must ensue." What can this advert to but a contemplation in the mind of Mr. Skirving, as early as the 25th of May, 1793, that things were approaching to such a state in this country, that there would be a dissolution of the whole of the existing government; and if there was not some other government provided in its place, that anarchy must ensue? Says he---"Let us therefore take the hint given us by our opposers, let us begin in earnest to make up our minds relative to the extent of reform; which we ought to seek, be prepared to justify it, and to controvert objections; let us model the whole in the public mind, let us provide every stake and stay in the tabernacle which we would erect, so that when the tabernacles of oppression in the palaces of ambition are broken down, under the madness and folly of their supporters, we may then without anarchy and all dangerous delay, erect at once our tabernacle of righteousness, and may the Lord himself be in it."

Now here is a man, contemplating that which was likely to be the result of the measures in which he himself was engaged, saying, that they led to anarchy and confusion, and exciting another person, the prisoner at the bar, engaged with him in the same purpose, to provide for the event of that possible anarchy and confusion, by providing a new plan for that government which he meant to establish instead of the government which he meant to destroy.

He then proceeds to describe what was the unfortunate state of the Roman government, after it was "enfeebled and broken by its own corruption, it left the nations which it had subjected, like sheep without a shepherd." Merely alluding to that state of anarchy which at that time prevailed in Europe; a state described in history in a manner so forcibly and so strongly, and picturing in so many instances the present situation of France, that really when one reads that history, one almost imagines one is reading the history of the present state of France.

The letter adds---"We may suppose an event which we deprecate, nay, should we not be prepared for every possible issue of the present unprecedented divisions of mankind? We have a right to be apprehensive of the abilities of our managers, who are so afraid to depart from precedent, that like men of detail they may be inadequate to the task of preserving the vessel from shipwreck,

wreck, now grappling with danger, not only great, but new and uncommon." It adds---"If the present Ministry fail, who after them shall be trusted? It requires little penetration to see the anarchy and discord which will follow. It will be such, that nothing short of a general union among the people themselves will be able to heal. Haste, therefore, to associate; at least, be ready to associate. If, then, such a broken state of things should take place, the civil broils that would necessarily ensue would soon subside before the united irresistible voice of the whole. Do not, I entreat you, hesitate, thinking such a work premature as yet; but a month, and then it may be too late."

The impression upon this man's mind was unquestionably exceeding strong, and an impression not at all unwarranted by the event. He looked to the general dissolution of government---he looked to anarchy and discord---he looked to civil broils, as necessarily ensuing; and the only hope was in the united irresistible voice of the whole, adopting some plan to be already formed, and ready to be offered to them upon the instant of confusion.

Gentlemen, this letter clearly shews, that that sort of civil discord had been long in the contemplation of the minds of these people, and whether they ever took the means to provide against the consequences if it had happened, it is impossible for us to discover. All we can observe is, if you look into the report of the Committee of Constitution, I think you will find a sort of provision, not adapted merely to the purposes of a private society, but easily converted to the purposes of a nation, under the principles which such a society have of the proper manner of governing a country.

Gentlemen, I will make a trifling remark upon what passed at Chalk Farm, principally with a view to call your attention to the very violent resolutions which were intended to have been adopted at that meeting by one of the parties. I likewise would call to your attention, that the system of arming appears to have been in some degree adopted throughout. And as to what was said with respect to the knives that were mentioned, it was a very trifling circumstance; but the fact is not contradicted. And I would particularly advert to you, that a person of the name of Pearce was specifically named in the evidence of Groves, whose evidence is the only evidence material to this purpose---the name of Pearce was mentioned, as one of the persons that was present at the transaction, who might have appeared to contradict that assertion, but who has not appeared; and, therefore, it must be taken to be the fact, by silence upon this occasion. I would likewise observe, that Green, the man who in some respects contradicts Groves, is a man that was called upon the part of the Crown; and I think you will believe, that those who had the management of this business on the part of the Crown, when
they

they called that man, had no conception of concealing from you any circumstance that could be brought forward for your examination.

Gentlemen, if you please, I have no objection to your putting out of your consideration all the evidence that Groves has given you: put out of your consideration those knives, and a thousand other trifling circumstances, entirely; still you will not find one word of that parole evidence contradicted, except so far as it has been contradicted by one of the witnesses on the part of the Crown, contradicting another witness on the part of the Crown; though, at the same time, hundreds and hundreds might have contradicted that parole evidence, if it had been thought proper for the prisoner to bring those witnesses to the bar.

Gentlemen, you will likewise remember the paper of the *ins* and *outs*, which was certainly an incitement to arm, exactly upon the same principle as acted upon at Sheffield---an incitement to the people to provide arms for their own defence, calling for the use of those arms, and telling the application for which they meant to make use of them, at the moment when it should be conceived the crisis, of which they have heard so much, should arrive.

Gentlemen, I have already addressed you beyond my strength. I find myself unable to say any thing more, though I am well persuaded, indeed I well recollect, that there are many things I meant to have stated which I have not stated. All I can say to you is, that, to the utmost of my power, I have done my duty. I trust you will do yours. It is certainly a very arduous task to press against any man a case, the event of which may be the termination of his life. You, Gentlemen, are to give your verdict according to the truth of the evidence laid before you: if that should enable you to give a verdict of acquittal, I have no doubt you will give it with joy; if it should compel you to give a contrary verdict, bitter though the cup may be, you may not pass it from you. You must forego your own feelings---you have a solemn duty to perform---you must perform it. I have had a duty, which I have had a difficulty to perform to my own feelings on the subject---I have endeavoured to do it faithfully. Having done so, I will trouble you no longer.

Lord President. We are now at the seventh day of this trial, and it comes to me now to sum up this great and momentous cause. Is it expected or wished, on the part of the prisoner particularly, and also on the part of the prosecutor, that the whole of this written evidence should be repeated to the Jury? Or would it be satisfactory to every body, that the parole evidence only should be summed up to the Jury, that they should be left to their own recollection of the written evidence, together with the

the production of such part of the written evidence as in the course of the summing up may appear to me to be necessary to have recourse to? If it is at all the wish of the prisoner, in particular, or the Counsel for the prisoner, or insisted upon on the part of the prosecution, I shall not at all regret the expence of my time or bodily fatigue, as far as it may be necessary for me personally to go through it. I would willingly spare the Jury, if I could, because their labour has been infinite; and if I were to go through the whole of the written evidence, I am very apprehensive that I shall only load them with an imperfect recollection of a mass of evidence, which, if it was stated again to them, they would be less prepared to receive the observations I have to make to them.

Mr. *Erskine*. I will just state one word to your Lordship.

Mr. *Attorney General*. On the part of the public I cannot better consult their interest, than to leave it to the discretion of the Court.

Mr. *Erskine*. My Lord, I think it proper to speak to my client. (*Mr. Erskine consulted his client.*)

Mr. *Erskine*. My Lord, Mr. Hardy desires to express his confidence in the justice of the Court: he will submit to the course your Lordship has just now stated.

Lord *President*. Then I shall take that course, desiring it to be understood, that if there is any paper I should not state, that the Counsel on either side, particularly the Counsel for the prisoner, shall think material, they will put me in mind, and I will certainly read it.

SUMMING-UP OF THE EVIDENCE,

BY

LORD CHIEF JUSTICE EYRE,

LORD PRESIDENT.

Gentlemen of the Jury,

THE prisoner, Thomas Hardy, stands indicted for the crime of high treason, in compassing and imagining the death of the King; and the indictment states nine counts or overt acts of this species of treason. Two of those overt acts are---the first, conspiring to levy war against the King in his realm; the second, for collecting arms for the purpose of making that war. Three other overt acts are---first, for conspiring to subvert the government of the country, and to depose the King; the second, for consulting and sending letters and papers to excite the King's subjects to subvert the government, and depose the King; and the third, for collecting arms for the same purpose. There are four other overt acts, which respect the assembling of a Convention of the People, for the purpose of subverting the government of the country and deposing the King. The first of these charges a meeting for consulting, conspiring, and agreeing to procure a Convention of the King's subjects, to be assembled within the kingdom, with intent, and in order that the persons so to be assembled might, in defiance of the authority and against the will of Parliament, subvert, alter, and cause to be altered, the legislature, rule, and government now duly and happily established in this kingdom, and to depose, and cause to be deposed, our said Lord the King from the royal state, title, power, and government thereof; the second is, for composing, writing, and publishing, the more readily and effectually to assemble such Convention, and thereby to accomplish the aforesaid traitorous purposes, divers books, pamphlets, letters, declarations, instructions, resolutions, orders, addresses, and writings, purporting and containing therein incitements, encouragements, and exhortations, to induce and persuade the King's subjects to choose, depute, and send delegates to compose that Convention; the third, is the conspiring, consulting, and deliberating how, when, and where this Convention should be assembled and held, and by what means these persons might be moved so to send delegates; the fourth is, that so consenting and agreeing, the more readily

to

to procure this Convention to be assembled, certain persons of the name of Jeremiah Joyce, John Augustus Bonney, John Horne Tooke, Thomas Wardle, Matthew Moore, John Thelwall, John Baxter, Richard Hodson, John Lovett, William Sharpe, and John Pearson, did meet, confer, and co-operate among themselves for and towards the calling and assembling such Convention.

For the present, Gentlemen, you will attend to the evidence, with a view only to the establishment of some or one of these acts which are so charged as overt acts. The general effect of the evidence I shall have occasion to state to you, and the observations upon that, when I come to take the whole of the evidence together.

The first witness that is called, after the written evidence was in a great measure gone through, was William Camage, who said he was a member of the society at Sheffield, and became so the latter end of November, 1791. He acted as secretary the latter end of April or May last; he used to sign the letters that were often written by others; that Edward Martin, John Alcock, George Widdison, and Matthew Dodwell, were persons concerned in writing these letters; that the professed object they had in view was a parliamentary reform; that they chose Matthew Campbell Brown as delegate to the Scotch Convention, and that he was sent to Mr. Brown by the society to carry him cash, the society paying him his expences; he received from Mr. Gales, the printer at Sheffield, who was also a member of the society, the money; that that Mr. Gales is now in Sheffield; that Mr. Henry Yorke was a member; that he knew him by no other name than Henry; he used to exhort them; he never mentioned the subject of arms in public, that he knows of. He says, that there was originally and at first a parliamentary reform proposed to be brought about by petitioning Parliament, and that there was no specific plan designed. He says, that the society were threatened to be dispersed, and the people thought that they should have arms for their own defence, and that Mr. Yorke approved of it, in order to protect their meetings, and this, he says, was the general idea of the place. He was shewn a blade of a pike, he says it was shewn to Yorke by himself and Hill. He says, as well as he recollects, it was Hill made that blade of a pike. He says, he is a shoemaker's knife forger; he heard nothing of musquets, and he heard nothing of arms in any other country; he said, he did not know of any quantity made, excepting three dozen which were made by Hill. He said, he saw a pike handle at Widdison's; that it was eight or nine o'clock when he shewed to Mr. Yorke this pike, and no person was present. He says, he was upon the Castle Hill with Mr. Yorke, and at that time there was no recommendation of arms. He knew Davison, who was servant to Mr. Gales, and that he also knew Robert Moody: that

Mr. Yorke advised not to petition Parliament. He says, that he heard of an address to the people, and that Mr. Yorke was drawn home in a carriage without horses. He said, he heard Mr. Yorke disapprove of the Scotch Convention, for that he thought the people very much unprepared. He proved a letter produced to be under Davison's hand, and addressed to Mr. Hardy, and to have seen it in Mr. Davison's possession at Sheffield. Davison, he says, came originally from Leeds, and he acted as secretary at Leeds; he says, he mentioned that a letter from Hardy should be directed to Moody, and that the name of the proper secretary, who was Broomhead, was struck out, because they thought some letters to the secretary had been intercepted. He says, that Moody put handles into three dozen of pikes---he says, that the handles of the pikes were somewhere about seven feet long, and made of fir---that they were of the same shape as a bayonet, fluted and pointed---there were none shafted, that he knew of, of any other shape; one had been made before, but not of that shape---as far as he recollects that was the one that was shewn to Mr. Yorke. That Mr. Davison is now gone off, and Mr. Gales went about the same time. He is asked about a night-cat---he says, he knew what it was, it stands with four points---that the use of it was for acting against cavalry, by being thrown into the street. This was his original evidence.

Upon his cross-examination he said, that parliamentary reform was his object---a more equal representation in the House of Commons. He says, there was no idea of any thing meditated against the King's majesty, or the House of Lords, that there was never an individual amongst the whole society had any such thought---that there was no idea of carrying that reform by force and violence; he would not have continued a member in the society if there had been any such idea; that he never suspected the intention of the society, or any individual, to be of that kind; if he had thought they had had any such intention against the safety and honour of the Sovereign, he would not have continued with them. He says, he generally read the papers before he signed them. He was a member till he was taken up; he saw no reason to believe they had began to intend mischief of this sort; that he believes they began to be threatened with interruptions in March, 1794; that he never heard that the Convention was to put down the King, or to take upon themselves the functions of government; that the Sheffield Society considered the best means to effect a change in the representation of the people in the House of Commons was for the Scotch Convention to petition. He says, he thought that the House of Commons would attend to the application of numbers; that he was a friend to the British constitution; that he had no wish against the King, and had no wish to introduce into England the desolations

solations and anarchies that are in France; that he should have thought himself the most abandoned of mankind, if he had continued a member of a society having such sentiments; that he never had any reason to believe there was an intent to destroy the constitution, that he was afraid the opposite party would make an attack, and thought they were doing what was legal. They had no intention of using arms against the King, but they thought they had a right to have arms by the Bill of Rights---Mr. Yorke informed them it was so. That he could not take upon himself to say what the Convention were to do; that it was the cheapness of the article that recommended the pikes; that he did not know that any night-cats he had seen were made from the model he had seen; that a man said he had seen something of that kind at Newcastle; that he did not mention when he saw it, but, as well as he recollects, it was about the time of the American war.

The letter alluded to in this man's evidence is in these words: it is addressed to Citizen Hardy, No. 9, Piccadilly, London, signed Rich. Davison, dated April 24, 1794. (See page 332, Vol. I. of this work.) He says, Mr. Davison thought they might have the same view for the people in London as in Sheffield. He says, the pikes would have cost about 20d. He is asked if he knew such a place as the Parrot, Green Arbour Court; he says, he does not know any thing of that.

The next witness is William Broomhead, who is a cutler of Sheffield, and a member of the Constitutional Society there at its first institution in 1791. He said, he did not know that he was one of the twelve who were associated with the London Constitutional Society; he says, he has some idea of letters having been written, that they might act in conjunction, but never heard of the association; that he was secretary of this society for five months, the last five months before he was apprehended; that the object was a parliamentary reform, by meeting and endeavouring to enlighten each other, and spread the knowledge of grievances, that they might apply in the most unexceptionable mode. He says, that the exception of applying to Parliament was never mentioned to his knowledge; universal suffrage he did not hear of till the Edinburgh Convention. He says Mr. Yorke sometimes goes by another name, that of Henry Redhead; he says, that Yorke had been at Sheffield about eight weeks; the witness knew Mr. Galeš, and he says, that Mr. Yorke used to attend the weekly meetings during his last visit at Sheffield, but he was not a settled inhabitant of the place; that he was considered as a man of considerable abilities, an orator, and treated with respect; he wrote several pamphlets at Sheffield, and used to bring parts of them to be read to the society before they were published; that they held their societies in a large room, where there was an elevation for the speaker---some called it a pulpit, and some a tribune; he remembers the meeting at the Cattle Hill

Hill---that Mr. Yorke there expatiated largely upon the corruptions that had crept into the constitution, or rather the evils that were complained of; that his manner of speaking may sometimes lead him to go further in speaking than he ought; that he was peculiarly energetic, fiery, and at the same time very warm, but that he said nothing contrary to the law and constitution. He says, it was settled at a previous meeting, that he, the witness, should make a motion for a petition to the House of Commons, in order that it might be over-ruled, for the purpose of bringing in another motion in its place; he says, he made that motion for the purpose of introducing another---that it was objected to; there were four of the Committee upon the elevation, Yorke, himself, Gales, and Camage---there were thousands assembled---that he does not know which of the other three made the objection---that he knew the other motion was to petition his Majesty---that he thought it was drawn up before they assembled---that Yorke addressed the people---that it was left at his house to be signed by the people---that the petition was sent to London to Earl Stanhope, and he did not think proper to present it in that form. He says, they afterwards agreed that Yorke's speech should be printed and published at Sheffield: it was afterwards printed and published, and one of the copies was shewn to him, and he believes that which is now produced to be one. He says, there were some to be had at Gales's shop; he says, that, at their private meetings, these copies were to be directed to be sent to several persons, several packets---that to the amount of twenty-four or more were wrapped up separately, and put in a box, and sent to the prisoner Hardy. He said, he was applied to to be secretary by one John Alcock---he had nothing else to do---the war had spoiled his business, and therefore it was that he accepted it---that he had heard there was a proposal for procuring arms in Sheffield, but that he purposely avoided meddling in thought or act with any thing of that sort. He says, he heard of arms in the society; that a few days before it had been spoken of as the right of the subject to have arms, he says, that a spurious hand-bill had been published in the dark; he says, that the having of arms was spoke of as a right---he thinks it was after the Castle meeting, and he says, that it was at a public meeting of the society in a large room. He says, he never saw a pike till he was brought to London---he saw the model of the cat, which was only like a plaything for a child---that it had four points---that when thrown on the ground there was always a point upwards---that he saw it in the house of Benjamin Dan, and it was one Charles Rhodes that produced it---that the conversation about it was not a serious one, but it was considered as the act of a boy or child, and it was talked of in a careless, idle way. He says, he remembers Mr. Yorke saying, we were in a low, despicable situation---that rather than submit to that degraded

degraded state, he would go up to London with the people there present. He says, he thinks that was before he heard any thing upon the subject of arming; he says, his reason for remembering this passage was, the pain he felt at hearing any thing of that sort said; for he says, for himself, he fears God, and honours the King. He says, that on the fast day the people assembled at the top of the town, a 1000 of them, or 2000, and they acted as described in the paper. This paper was found upon Mr. Hardy, and entitled the Fast Day, as observed at Sheffield, and a serious lecture, which was held there. He says, there was a serious lecture, and after the lecture there was a hymn sung---“A serious Lecture delivered at Sheffield, February 28, 1794, being the day appointed for a General Fast; to which are added, a Hymn and Resolutions.” The serious lecture turns on the story of Ahab and the Priests of Baal. The hymn does not seem to have any thing very necessary to be stated---two of the stanzas in it are---

“O Thou, whose awful word combin’d
 “The raging waves, the raving wind,
 “Mad tyrants tame, break down the high,
 “Whose haughty foreheads beat the sky.
 “Burst every dungeon, every chain,
 “Give injur’d slaves their rights again.
 “Let truth prevail, let discord cease---
 “Speak, and the world shall smile in peace.”

The resolutions are eleven. See Vol. I. p. 395, of this work.

In the next page, the London Corresponding Society, united for a reform in Parliament.---“Committee Room, March 20th, 1794. Resolved, That this society approve the serious lecture, &c.”

The next paragraph contains a similar resolution of the Society for Constitutional Information.

So that you observe this publication, with resolutions entered into upon the Fast Day at Sheffield, received the approbation of both the Constitutional and London Corresponding Societies. Mr. Broomhead goes on to say, that the society consisted of about 600, and that they never amounted to many more, certainly not to 2000. They had been represented to be of that number, and the question was asked for what purpose they were distributed into districts---he said, they were not regularly distributed into districts, as proposed; that there were district books given by Gales; that their chief business was principally to collect a penny a piece to make a fund; that the lecture was read by one Montgomery, a gentleman from Halifax; and that the pamphlets were sold, but had not a very extensive sale. The witness himself composed the prayer used on the occasion: he says, the copy was given to the printer, and it was settled by some

some of the private members, that it should be so printed. He next spoke of the proceedings at Sheffield, in the open air, upon the 7th of April, 1794, which are also in print, and found upon the prisoner Hardy, which I think should be read to you.

(Read by the Clerk of the Court.)

See Vol. I. p. 364, and following, of this work.

Gentlemen, before the resolutions are read, it will be necessary to observe, that out of this paper, as to the general libellous turn of it, nothing very material to the present question arises; but that there is one passage in the petition, which may be fit for your consideration---that is, where he talks of an impending storm. Take that, with the date of the 7th of April, 1794; it may be hereafter a matter for your consideration.---(*The Clerk of the Court continues to read the above resolutions and address to the British nation.*)

Gentlemen, I thought it necessary that the whole of this paper should be read to you, because it is a paper which is very much relied on in the case, on which different constructions have been put upon it by the Counsel in support of the prosecution, and the Counsel on the part of the prisoner. The importance of it is not derived so much from its general extravagance, as it is from the particular circumstance that it purports to resolve; that the body that were then assembled at Sheffield would petition Parliament no more, and would try some other course. What was meant by petitioning Parliament no more, and what was meant by trying some other course, will be a subject for your deliberation, when you take this paper into the chain of evidence, with all the circumstances accompanying it, preceding it, and following it; keeping in your minds, that this was a paper published among a numerous body of people assembled at Sheffield, just about the time that a proposition for a Convention of the people was under consideration in the Committee of Correspondence and Co-operation of the two societies, the Constitutional Society and the Corresponding Society in London; and that this paper was found in the possession of Hardy, the prisoner at the bar, secretary to one of these societies. I make no other observation at present on the paper, except recommending it to you to keep the general import of it in your minds, that you may understand the application of it, when it comes to be made hereafter on both sides.

Gentlemen, the examination of Broomhead was interrupted by the reading of this paper: he was now cross-examined, and he said, there was a hand-bill to call upon the people to arm against foreign and domestic enemies; that the adverse party to him and his friends at Sheffield had given out that they should be able to do nothing with their party, until they could cause a riot. He said, he understood that from this it was that arms
came

came to be talked of; that it was to oppose illegal force, such illegal force as had been practised at Manchester and Birmingham, that was against the law of the land. He says, that Gales had this hand-bill in his hand at the time they were talking of arms: he was asked, if they had any intention to attack the government---he said, it was as much his intention to do that as to fly to the moon. He says, his object was to shew the ground of their sufferings, when a person worked twelve hours a day, and could not get a living. He says, they corresponded with the Society of the Friends of the People as well as the Constitutional Society; he says, he would not have joined them if he thought they intended to attack the King or the Lords; he does not think there was such a wicked man amongst them: he says, the idea was, that the King, Lords, and Commons might, with the concurrence of the nation, make a reform; that the object was, to attain this peaceably; that there was no intention, to his knowledge, to use any force. Then he added, what persons might do, if a Convention was called, and wicked people got in among them, he could not answer for; but he says, that he would not have sent a man there, if he had not supposed they would have acted peaceably. He was asked as to one Ashton (who had been a secretary) writing a letter to the Society for Constitutional Information, disclaiming all connection with the Friends of the People, as not fit for their purpose. He says, that they might have sent to the Constitutional Society to say that they would not have any thing more to do with the Friends of the People, and that it might be discussed, in some of their meetings of the society, the propriety of having nothing further to do with them, because they were not fit for their purpose.

You find there was a letter written by this society, after they had corresponded with the Friends of the People, to the Society for Constitutional Information, in which they say that they will not have any thing more to do with the Society of the Friends of the People, not thinking them fit for their purpose. He says, he does not know any resolutions being come to, to write that letter; he says, it must have been determined after he was gone; he says, a great number of people did not believe that the Society of the Friends of the People were honest---that they had promised to use all constitutional means, and that they were not satisfied with it. He says, this might be about the 25th of May, when a hand-bill had been published; he says, that with regard to this hand-bill, they published a counter-advertisement, and they took the same words in the counter-advertisement, and had it inserted by Gales in his paper---that it was time to arm against foreign invaders and domestic foes.

He is asked if, before they took to arms, they applied to any magistrate; he says, no---Gales and Yorke proposed these

papers. He says, the society winked at their doing it, as they were more violent than they should have been; but the society having a good opinion of them, they winked at it. He says, that the resolution respecting the landing of Hessian troops in this country was passed long before this hand-bill. He says, he does not know that their society communicated any plans of arming, or models of the weapons, or that Davison sent a letter for that purpose to London, till he was examined before the Privy Council. He says, he cannot possibly answer for every body that was in the society---there may be wicked men in every society; and as to what Davison did, he sent that letter without his knowledge.

There was then read votes of thanks of the 20th and 21st of March, from the Constitutional and London Corresponding Societies, for their manner of observing the fast, and for the lecture on the fast day. The witness says, the lecture was sent to London.

The next witness is Henry Alexander. He says, he was a member of the London Corresponding Society, division 29, meeting at Robins's Coffee House, Shire Lane; that he knew Mr. Yorke---that he remembers his being there the latter end of 1793---that there were 60 or a 100 people assembled. He says, that Yorke took his leave of the society by a speech, and that he talked of going to some place, which he called Belgium---he understood, that he was to head the French army, and that they would be ripe for a revolution by Christmas, and he hoped that he should come to London at the head of them.

Now, to be sure, it could not have passed exactly in that way. What was really said, or how this man must have misunderstood, I cannot very well guess, because it could not pass as he has described it. Whether he meant, that in that part of the world where he was going, they would be ripe for a revolution, or when he came back that they would be ripe for a revolution at home, I think, does not appear, by this man's evidence, in the way that you may depend upon; but he added, that he was a member of the National Convention, but that he should come back to them in London at Christmas, and hoped, and believed, he should see that society all ready to join the French; and that Mr. Pitt, and the other Ministers, and the King's head, would be upon Temple Bar---that the King and Queen of France had not their deserts---that the Sans Culottes were a set of brave fellows, and that there would be no good done without some bloodshed. He says, at this meeting, one night before the conversation passed, there was a man at the meeting, who came from Sheffield, who said, there were pikes made at Sheffield for 6d. a piece; and another said, it would be only living upon bread and cheese for one day. He said, he discovered what he knew
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to Mr. Secretary Dundas and the Lord Mayor. He says, he was asked by Mr. Smith to go there, and that he attended seven times.

This is the whole of his evidence, or at least the substance of it. He gives an account of an extravagant conversation supposed to be held by this Yorke, at the meeting. What you will make of it, it is for you to consider.

On his cross-examination he says, he is a linen-draper, and that he had lived with Mr. Faulding, of Holborn Bridge; that towards the latter end of May, 1793, a friend asked him to go to one of his divisions---not Whitehorne. He said, he went---that nothing happened to offend him that night. Whitehorne belonged to a society in Holborn---that he became a member that night. He says, he never wished for reform in Parliament, and he said, he had a paper read to him, which, when he read it afterwards, he did not approve of, and he shewed it to two or three of his friends. He says, that he had not the first time been desired to go, but that he had attended them twice after he had been to Mr. Dundas. They were all unanimous in their approbation of Mr. Yorke, and always shook hands with him when they left him. He says, that he was not now in any employ, nor had been since May; he lived five months as shopman to Mr. Killaby, in Moorfields; he had been before that at Mr. Faulding's, Holborn Bridge, almost two years. Since that he made an agreement to live with Mr. Marley, for 25l. a year. He says, he left him on Friday last, telling him he was going out of town; and his reason for doing that was, he understood he was going down to Sheffield about Mr. Yorke. He was asked what past on the other nights---he says, he saw Yorke in all three times: he heard Yorke say, that he had been to Newgate to see Frost; that he never heard Yorke mention any thing about pikes; he says, he does not think Yorke was at the meeting the night the pikes were talked of. If much depended upon the credit of this witness, there are certainly some observations, that go to his discredit, that grow out of his cross-examination, though they are not contradicted by the fact; and therefore it is impossible to say that it ought to be rejected; but you will take it, allowing for the sort of evidence that he has given, which is not very intelligible in any part of it. It does seem, upon the whole, that his evidence is not entitled to much credit, and, indeed, nothing material depends upon it. All that can be gathered from it is, that he was present at a meeting with Yorke, who was then going somewhere abroad, and that he then talked extravagantly of coming to London to head a revolution somewhere about Christmas, and hoped the society would join him when he came. What is to be the effect of his evidence upon the whole of the case, you will judge.

The next witness is Thomas Whitehorn. He says, he is shopman to a bookseller, and that he became a member of the London Corresponding Society the same evening with the last witness. He says, he saw Mr. Yorke there only once; that he seemed to be very well known; that he made a long speech, and spoke very loud, but he does not recollect any part of it. He says, he did understand something of his going abroad. He says, he lived at Mr. Owen's, in Fleet Street, when he became a member of the society; that he went from there to Mr. Bagster's, in the Strand; that he could not attend the society, having changed his situation, after this. He does not confirm the last witness as to any thing Mr. Yorke said, but he does confirm him as to the fact, that he was present when Mr. Yorke was present; and he does confirm him as to the fact that he made a speech.

The next witness is George Widdison, who is a hair-dresser and turner at Sheffield. He was a member of the Constitutional Society for two years. He saw Mr. Yorke there a twelvemonth ago---he saw him at the Castle Hill in April---he went to dress his hair; that he met Yorke at two different meetings, and that he heard people talking there about arming with pikes; that he made about a dozen and a half of pike-handles, and Mr. Wilkinson seized them. He says, he understood they were to use them, and act with them in their own defence. Mr. Yorke used to say they wanted universal suffrage, and they were all for that. He said they did not much dispute about the mode. He says, that some weeks before Yorke left Sheffield, he disagreed with Mr. Yorke in respect of universal suffrage; he told him he thought this plan would not do, they carried it too far; upon which Mr. Yorke said, "I have studied it, and nothing else will do:" and there was no more conversation on the subject, nor did he see him much after. He says, he expected to be paid for the pike-handles by the people who took them.

On his cross-examination he says, he was friendly to the King; that the first idea they had of universal suffrage was taken from the Duke of Richmond's plan, which was read in the society and generally approved of. He never understood that it was meant to do any thing by force; he said, he did not think the people's minds were prepared for it: by which I understood he meant, to be prepared for the plan: that he thought at first it might be done without tumult or confusion, but he changed his mind. He says, that he was with the society at the time of the Scotch Convention; he should have voted for sending a delegate to the Convention in Scotland, but he happened not to come in time. He understood the Convention would petition, and address the nation; he said, the petition would come with more force, but he did not understand that the object of the Convention was to
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assume the functions of Parliament---that he would not have been a party to the plan, if he had so understood it; he considered that himself and the society were attached to the King, and was of opinion that the King's preservation and the people's liberty were inseparable; that there was nothing said of arms to attack the King's government. He does not know that he ever heard arms mentioned in the society. He says, that he made a pike for himself, which he thought necessary; there was not a good understanding between the two parties in the town, and that he had often been threatened in different companies that he had been in, by the aristocrats, that if any invasion should take place in this country, they would destroy them: to which the witness replied, that he hoped there was not any such idea---that if there was, they should be under the necessity of arming themselves in their own defence. He says, the House of Lords was hardly ever made a part of conversation; he said, that the only thing he saw about it was in a book of Major Cartwright's. That Mr. Yorke was a man who was apt to get warm in conversation. He was asked, upon hearing Yorke's speech, if he thought he was well-affected to the King---he says, he had heard his speech, and he had no reason to believe he was not. With regard to Davison's letter, he knew nothing of it till the hand-bill was published in the public papers; and he admits that he was one of the members that gave thanks to Mr. Paine.

Gentlemen, this was the first witness who spoke of the Duke of Richmond's plan of reform, one of the members who speaks of this plan of reform; and, to be sure, this ought to afford an important lesson to persons of high rank and situation in the community, in what they may debate and promulgate on the state of the country---how they commit them to the press in the way in which this was committed; the consequences of which are, that it is in the power of any man to disperse them to an unlimited extent, by which means they find their way into the hands of men who are unequal to reason on such topics, and hazard those mischiefs which may be produced by them when they have found their way into the hands of the lower orders of people: by such means they become an infinite source of evils to the community. It is a lesson which men of rank and property ought never to forget.

The next witness is Henry Hill. He says, he was a member of the society at Sheffield in 1792. He says, there was a meeting at the Castle Hill in April, 1794: that Davison that was spoken of worked for Gale; that he applied to him to make pikes: he made a pattern for him, and it was approved of; he had the iron on Davison's credit, and Davison was to pay him for the remainder. He says, Davison desired him to go to Mr. Yorke, and shew him some blades, and he would not talk about these pikes. He says, he saw one after it was finished, but he did not converse

converse much about it; he was only playing with the child; that he had just read an account of Mr. Walker's trial at Manchester, which gave him so much pleasure, that he could not attend to any thing else. He says, he made 130 for Davison; he was to have 2d. a piece for making them, exclusive of the iron. Davison said, he did not know but there might be the same demand for them in London as there was in Sheffield---if they were attacked by any unlawful set of men, they might defend themselves.

On his cross-examination, he says, he never would have been a member, if he thought there was any intention of deposing the King from his throne, or to abolish the House of Lords. He says, the members of the society appeared to be friendly to the King. He says, they followed the Duke of Richmond's plan; pikes were prepared on account of the opposite party using such threats; that they used to come and call the place where they met Jacobin Hall, and themselves Jacobins and Levellers; and I think he mentions, that one night they fired under the doors. He says, they had no view to attack the magistracy of the country; he also admitted, that they made no application to a magistrate. He says, he knows nothing at all of the vote of thanks being moved for to Mr. Paine.

Robert Moody, a joiner at Sheffield, is the next witness. He says, that he was a member of the Constitutional Society at that place two years; that he acted as chairman; that there were not fewer than 10,000 upon the Castle Hill; that the populace drew Mr. Yorke home; that Camage read the resolutions, and Broomhead acted as secretary: so that you will recollect there were four of these people acted as a committee, in a society of 600; and according to this account, the rest were the mere populace: here is a vote of 10,000 people obtained in this manner, few of them hearing what passed; and with this remarkable circumstance, that the motion for petitioning Parliament was concerted to be rejected in the junto of the meeting, before they came there, which gives us an excellent idea what a debate there was on it, in such an assembly as that must be.

The witness says, that Camage had about four or five blades for pikes, and bespoke three or four dozen of handles; that he did not enquire what they were for, nor did he know who they were for; Camage said he had chaps to take them off: that he heard a report that they would be dispersed, and very likely they might get an authority from a Justice of the Peace for it; a little might do it; and they got these arms to defend themselves, to protect themselves if attacked by an illegal authority; that there were dragoons in the neighbourhood; that he saw the model of a night-cat in his shop; he asked the use of it; Camage said it was an instrument to throw in the streets to prevent horses from travelling, and he thought from the appearance of it, it might have

have had that effect; he said he did not recollect that the man said any thing of any town in the course of the conversation, where it had been used; he never heard that any cats were in fact made, but that this lay in the open shop: he said he saw a few pikes brought into Camage's by another man: that Davison asked him to let him leave a letter directed to his house for Davison.

On his cross-examination he said that he had been a year a member; that he was not a member at the time the delegates were sent to Scotland; he never knew of any order to make any cats from that model; he said he never heard any thing said against the King; he himself loved the King; he believed him to be a good man, and that it would be a crime to do any thing against a good man. That is a very good idea, as far as it goes, but not of loyalty to the King, as the occasion seemed to call for. He says there was no talk about pikes, till after the threats had been made use of. He says, there were two dozen and nine or ten made, and a few more, which Widdison had, and that is all he knows of; he said these were made two or three weeks before the volunteer companies were raised at Sheffield; and he says their apprehension was, that these people might take upon themselves to disperse the meeting without any magistrate being-present, or without any legal authority.

The next witness is John Edwards, a silversmith, a young man, a member of the London Corresponding Society; he said he knew the prisoner was secretary to that society; he says, he received from him a direction to a man in Sheffield in the month of April 1794; that he went to Mr. Hardy, to desire that he would inclose a few lines to a person in Sheffield, to inform him of some person who could forge blades for pikes; that Mr. Hardy read part of a letter to him, and gave him a direction to a person; that the plan was to forge pike-blades there for the people at Sheffield. The witness says, "I spoke to two or three members of the London Corresponding Society; I understood several of them wished to furnish themselves with pikes." He says, a meeting was to have taken place upon the Friday before the prisoner was taken up, at Green Arbour Court, Old Bailey, where every one was to lay down his money, each to pay a shilling, and then the pikes were to be sent up from Sheffield. He belonged to the 29th division, then afterwards he says he was at division No. 22. He says, he mentioned the circumstance of the pikes to Gosling, Baxter, Spence, and Hillier. He was asked if he heard from any of the members of the London Corresponding Society that there was some place in the Borough where they met; he says, he understood from some of the members that there was a place in the Borough where they learnt the use of the musquet. He says, that Godwin told him of the place, who was a member of the Corresponding Society. He heard that Franklow was also a member of the Corresponding Society. He says, at his division

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he heard something of an association formed by Franklow, which was styled the Lambeth Loyal Association; he says, that the number was to have been 60; he saw Franklow in a blue coat, white waistcoat and breeches, at the dinner at the Globe Tavern, on the 20th of January, 1794. He says, the division No. 22 met at the Three Tuns in the evening, about sixteen of them; that he was one, and this was before the anniversary dinner; that one evening he proposed to form an association like the Lambeth Loyal Association, but that no person agreed to it. He says, that there was a Secret Committee for the management of the affairs of this society, but they had been dissolved. He says, it was suspected that some person had given information who it was that had been chosen of this Committee, and that Lynam was the person who was suspected; and that Committee which was dissolved had power to elect a new one; he says, that John Martin, Baxter, Thelwall, Moore, and Hodson or Lovett, were of the Secret Committee; that they received letters, that all was left to them, and kept a secret to the society; that sometimes they read letters to the divisions. He says, he was some time a delegate, he attended the Committee of Delegates twice; the delegates returned all the new members, that they met at Compton Street, and were transferred afterwards to Beaufort Buildings. The London Corresponding Society deputed five persons to attend the Constitutional Society, who appointed five persons, and the London Corresponding appointed five to meet the six, and afterwards they met. That there was a debate at the General Committee of Delegates, concerning the witness's age; Thelwall and Baxter spoke upon it; that there was a debate also about medals which were to be presented to the Jury who acquitted Eaton. He says, he was present at Chalk Farm, that they were to have met in Store Street, Tottenham Court Road, but they went from there to Chalk Farm. He says, that a Justice of Peace, Mr. Addington, had forbid the meeting in Store Street. He says, there were upwards of 2000 at Chalk Farm---a person stood at the door to give tickets. He says, he found some members of the London Corresponding Society there, particularly he remembers Moore, Hodson, Thelwall, and Richter being there; he does not remember Hardy being there; he says he himself was locked into the Long-room with some ladies. He says, he knows Robins's Coffee-house, division No. 29 was held there---that he is a member of that division---he was at that division, he says, about the time of this meeting. He says, that he received about this time a paper from Baxter, which he believes, from the recollection of its contents, the same with the paper produced, dated 1st of April, 1794.

(Read by the Clerk of the Court.)

“For the benefit of John Bull, at Federation Theatre, in Equality Square.” See Vol. I. p. 443, of this work.

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This paper is undoubtedly a most infamous and detestable paper; what it points out is too plain to be mistaken; and how is it possible it should have happened, that a man who professes to have an object in view which he thinks laudable, and which other people may agree that he may think laudable, should disgrace himself by having any thing to do with a publication such as this? It is hard to say; but, however, whether it fairly connects itself with the subject of the present indictment, so as to be fairly interwoven with the conspiracy with which the prisoner is charged, is a matter of question for your consideration; as to which, you will weigh it fairly, and give that weight on the side on which it turns, and give it no more, enormous as it is, scandalous, and deserving of every punishment the law can inflict, for so gross a breach of the peace of the country.

The witness says, he thinks he received that paper in October or November: if that is so, probably what he received was not dated the 1st of April, as this is, but dated the 30th of January. That date agrees with the subject, and is not unlikely to be the first date of this paper; that he received it in October or November depends upon his recollection. He says, that from Chalk Farm they went to Compton Street, where his division was to meet, supped, and staid there till eleven o'clock. Thelwall was there; that there was a meeting on the 2d of May, 1794, at the Crown and Anchor Tavern, and at which he was present, having a ticket given him by Mr. Joyce. He says, the address at the Globe Tavern was read before dinner, and distributed afterwards. He said, that the paper he spoke of, he received at the Three Tuns, Snow Hill---that was after the 20th of January. I suppose that paper was the address at the Globe Tavern, according to his former evidence. He says, he has been at Thelwall's lectures; that the price of the pikes was to be one shilling each blade. He knows Gosling and Hillier: Gosling came to his father's house, to know when the meeting was appointed at Green Arbour Court, in the Old Bailey: he mentions before of there having been a meeting appointed there to lay money down for the pikes, but that meeting was postponed till the following Friday; in the mean time, Mr. Hardy was apprehended; he did understand that they meant to have attended the meeting on the Friday, but before the meeting, they heard that Hardy was apprehended, and that accounts for their not attending. He says, fir handles were recommended for the shafts of the pikes: he had a pike, which he made for himself, but the shaft is only produced; he says, he destroyed the blade, upon the Wednesday after he heard of Mr. Hardy's being taken up; he understood that Hillier had a pike, but not of the construction of his; he was asked about a magic lanthorn, but that turned out to be nothing but the destruction of the Bastile upon it, and the beheading of the Governor of the Bastile.

Upon his cross-examination he says, he became a member in July, 1793; that he made the pike in March, 1794; that he heard a person of the name of Yorke mention that they had pikes at Sheffield; it was just about the time the Hessian troops had landed without the consent of Parliament; that he did not understand that they had any intentions of using these arms against the government of the country. He says, he went to Hardy's for a direction to get pikes for some who might want them, and as he supposed would want them, for the same reason as he would; that they would not use them against the government, or any legal power, but against illegal attacks. There was a great deal of opposition had been shewn to their meetings; that two of the police officers had come into their meeting at Rotherhithe, and said, they wanted men for his Majesty's service. He says, Hardy was always very quiet in the divisions; he made no motions. He says, Hardy made no proposition for arms or pikes; he never heard him make use of an improper expression; he told Hardy, that he had made a pike. He says, that Baxter gave that bill he gave him to two or three persons; and having given them about, he saw one, and he got one afterwards from him. He does not believe that Mr. Hardy had seen it; that the one he gave him was a larger one, of a different edition. He understood that Hardy knew who was the person that he was to send to for the pikes; that the pikes were made at the time the Hessians were landed, but not made in consequence; that they had met two years without weapons antecedent to the landing of the Hessian troops; but he had heard that a meeting at Bunhill Row was interrupted by peace officers.

Now the material fact upon this young man's evidence is, with regard to Hardy, that it shews, that a letter had been received by Hardy from Davison, and that Hardy had in some sort acted upon it, whether he proposed it publicly or not; he knew he could tell him where the pikes were to be got. In consequence of that, he himself made an application to Hardy, and in consequence of that application, there was to have been a meeting at Green Arbour Court, in the Old Bailey, when as many as chose the pikes were to deposit their money, and to have them, which certainly connects Hardy with that transaction so far.

The next witness is Samuel Williams, who is a gun-engraver, and a member of the London Corresponding Society. He knows Franklow; he saw him at his house; he is also a member of the London Corresponding Society; he applied to him to make some arms for him; he saw a feast of the society advertised, and tickets to be had of Mr. Hardy: he went to Mr. Hardy for a ticket, who said it was not usual to give tickets to those who were not members, and he gave him one of the addresses, and said it was for a reform in Parliament; he gave Hardy an order
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for a pair of shoes, which he made. He says, he told Mr. Hardy, he was in the way for felling of guns: Hardy desired him, the next time he came, to bring a gun; he brought him a gun, which he sold for him; he then gave an order for a pair of boots, and Mr. Hardy asked him for three or more guns, which he sold likewise; and one gun was in the house at the time Hardy was taken up, which was not paid for. He knew Spence's, at Turnstile, and had seen Franklow there, and that he was at Spence's to instruct them in the manual exercise; that there were six or seven there that exercised; he exercised in a room up one or two pair of stairs, from eight to ten in the evening; and he thinks the curtains of the room were down; he became a member by Mr. Hardy's recommendation, a fortnight or three weeks after his first seeing Hardy; he says, he knew the Lambeth Association; they were called the Lambeth Loyal Association; he went to Franklow's, to China Walk, Lambeth; Mr. Hardy gave him a card, and said, Franklow was going to raise an association; he said, there were articles of this Lambeth Association printed; they imported to be the Lambeth Loyal Association, but he knew only Franklow to be of Lambeth; Franklow disciplined some of the members in his own house; he supplied eleven stand of arms by Franklow's order, and Franklow paid for them; these were over and above what he supplied to Hardy. He says, he was to procure sixty stand of arms; the articles were produced which described on what terms the society was instituted; the articles were read; they state, that the inhabitants of Lambeth, being alarmed with apprehensions of civil commotions, thought proper to arm. He says, that part of the association met at Shelmerdine's, somewhere in the Borough; that it was a condition of the association that they were to be of inhabitants of the parish of Lambeth; it was proposed to divide into ten divisions. He says, that there were conversations about parliamentary reform with Franklow; and that if they did not get a reform in Parliament, they would get it by force of arms; he remembers some of the London Corresponding Society attended this Lambeth Association. You observe, that this man speaks of guns only: with respect to the transaction with Hardy, what is applied to him, I think, one can hardly raise much imputation upon that against Mr. Hardy; it seems rather to have been a fair transaction in the way of their respective trades: this man began by buying shoes; he told him, he was in the gun line; Mr. Hardy having had an order from the witness, in consequence he gave him an order, and then another order, and was disposing of guns for him; which he might do, for any thing I see, very innocently; but it has somewhat of a different complexion, with respect to Franklow's association; for when Hardy gives this man a card to Franklow's association, and from which it appears that he knew the nature of Franklow's association;

and if there was any thing to be objected to in that association, there is some evidence that imputes Hardy with it. You see the circumstances of the case: it is an association carried on in a private and clandestine manner; they met in small parties, exercising in rooms at late hours, the curtains down, and circumstances of concealment, as should seem very different from the ordinary case of associations, people being rather proud of their arms. It does shew pretty clearly, upon this evidence, that the persons who were concerned in this Lambeth Loyal Association, which seems to be a mere name, and not warranted by the circumstances, in fact, were members of the London Corresponding Society, and as far as their numbers went, were preparing themselves with arms, and were procuring themselves to be instructed in the use of arms. How far Mr. Hardy is to be implicated in this, as a thing which could not be unknown to him, you will judge.

Then the next witness is Frederick Polydore Nodder. He says he was a member of the London Corresponding Society; that he saw Williams at Spence's when the men were exercising; that some of them were members of the Corresponding Society. This is all that he says, which only goes to confirm Williams as to having seen the exercising. Williams was called again, and asked as to some conversation; he remembers being asked in Hardy's shop how long he would be getting a 1000 guns; he said, it was not in his way to get so many.

I do not think much can be made of that; the man was a stranger. Hardy did not appear to join in the conversation; it seemed to end in nothing; and I do not think you can connect it, or make any thing clear out of it; therefore, I do not mean to state it as a circumstance that can avail any thing, or that you can rely upon.

The next witness is George Sanderfon. He says, he went to Shelmerdine's in the Borough, with Williams and Nodder; that he saw seven or eight stand of arms, belonging to the armed association. He says, they objected to his becoming a member, because he was not a member of the London Corresponding Society, but they admitted him finally upon his promise to become a member. He says, he understood they were to obtain a reform in Parliament at the point of the bayonet. He does not mention who said that, or what the particular expressions of the conversation were, but only to the general conversation there held. He says, they adjourned sometimes to another place in Worcester Street, where there was a private committee, who had settled certain places where they were to assemble. He says, that one of the meetings was at Spence's, and another at Westminster in Tothill Street, near the Bridewell. He says, he attended pretty constantly from the 11th of April to the 1st of May, sometimes at Spence's, and sometimes at Westminster; he never met above
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fix at a time---one of them was one Hall, who had served in the French army, and was a member of the London Corresponding Society. He says, Shelmerdine frequently changed his men, and removed from there, for fear some of them should not be staunch to the cause, that was his expression. He says, one night in Shire Lane, a circumstance was mentioned which was not proceeded upon, and therefore does not seem to amount to much---that Mr. Pitt was to go home at twelve o'clock at night over one of the bridges, he did not recollect which; that there was a general clapping on the table, and it was said it was not proper to make any comments upon it. He says, there had been a defect of the British army, which they in this society considered as good news: one of them said, he had the pleasure to inform the society, that one of the King's messengers had been killed in the country: another said, if it had been his son he should have been glad. That there were frequent intimations to take care of spies---that there was a proposition that ten should meet at one house; that is, nine of them at the house of one or other of them. They talked of blowing out a spy's brains. He was asked if he was a spy, he said he was. He said, the talking of the reform in Parliament was general at this armed association:---that he should know two or three of the persons again that were there.

Now the circumstance mentioned by this witness, of the manner in which these people were shifted about, under the direction of the Secret Committee, to be exercised in small numbers in private places, and Shelmerdine frequently changing his men, certainly warrants to entertain great suspicion, that this society was arming for no good purposes, and that this is therefore a circumstance which does make a fact of the case which is now under consideration; for I think, if his evidence be true, it is impossible to suppose this was a regular volunteer society, arming themselves for the ostensible purposes which they held out in their articles. He states strong language used by these people; you will judge what credit is due to his evidence: if they did use such language, it shews that their minds at least must have been in a state of great irritation, and they had designs in their minds not fit for honest men to entertain, and might create reasonable apprehensions in the minds of all those who knew that such designs were conceived by such men.

Edward Gosling, who is a member also of the London Corresponding Society, says, that upon the 15th of April, 1794, he was admitted a member. He went to find out somebody in the society---Mr. Wickham, a magistrate, had desired him to go, and told him, that if it was proposed to him to be a member, he should accept of it. Mr. Hillier was the person who first introduced him---that he went to Mr. Hillier, who sold pamphlets, and seeing pamphlets there, thought he might be able
to

to learn where this man was. He says, he was proposed, but that he afterwards attended in order to discover whether they really had any intention to arm. He says, that in the division No. 11, Northampton Street, Clerkenwell, there were about 30 persons. He says, there was a conversation about Chalk Farm; a meeting had been held the day before. He says, he heard some persons talking that there was to be a Convention, and it was said to be necessary to arm for the purpose of defending that Convention, as they had done in France.

If this was a fact well established, it would be a very strong fact indeed in the cause, because we once supposed the Convention was to meet peaceable and orderly, without arms, and that there were to be others to defend them with arms, which would give that Convention a complexion, to be sure, of a very dangerous tendency indeed, and go a great way towards every thing that has been said of it. But you will remember, this very strong fact is stated by a man of Gosling's description, the weight of which you will always bear in your mind.

He says, the Convention was to be called in about six weeks, and they talked of repelling force by force, if Mr. Dundas should bring his Scotch laws into England. He says, he thinks 100,000 or 200,000 copies of the Chalk Farm proceedings, he does not know which, were to be printed. He says, he was at No. 16 and 25, and Dr. Hodson was proposed for relief, and he and Hillier went to see Dr. Hodson while in Newgate, and they found Lloyd there. Rousselle and a Captain Williams, an American, were there with Hodson. There was a conversation with Dr. Hodson, respecting the new constitution of the society. He informed the witness, that by the new constitution, the society was to be divided into smaller divisions, for the convenience of learning the use of arms at one another's houses, and that it was almost ready. That the object was to scout the spies. That their numbers were increasing, and would soon be irresistible. Upon which the witness observed, that there were no men of property among them; then Rousselle made this reply, that as soon as they could be organized, money would not be wanting. That would also be a very strong circumstance, if you should be of opinion that he is deserving of credit. He says, a toast was given--- "The world a republic or desert." Hodson said, he hoped soon to see a Revolutionary Tribunal established in this country, and that he despised all others. Mr. Rousselle said, he was going to Thelwall, and to set off the next day for the Continent. Hillier said to him, Are you going to France? He said, Yes. He said, he was at a meeting of his own division the same evening; that coming away, one Wright there asked him, if he had got any arms; he said, he had got one musquet; Wright said, it was necessary we should all have arms, as possibly we might soon be compelled to use them; he says, that Wright was their secretary,

tary, and was going to America, and was very sorry to leave them; that he was going when they were going to act as well as think, and to regenerate their country; that he should take some copies of their spirited resolutions, to give them to the popular societies in America. Hillier mentioned his not having got a musquet, but he had got a pike; he says, upon the 25th of April, he was at Hillier's; that he found there a man of the name of Wicksey, and that mention was made of a letter from Sheffield, and that at a numerous meeting there, they had resolved to present no more petitions. He mentioned, that some knives were making of a peculiar construction. He said, the letter contained a drawing of the knife, with this observation--- "These are the instruments which we shall soon use." That they were to be fixed to poles, to cut the reins of the horses. He said, the principal dependence of the society consisted in securing the King and both Houses of Parliament. Hillier said, that if they could resist the first attack, there would be no danger to be apprehended from the army afterwards; that the King being secured, the army would have no head to look up to; that they would be glad to accept of the additional pay which would be offered to them; men would not fight for 6d. a day, if they could have a better sum. That nobody in the place objected to all this. He said, there was some violent conversation when they got into the street, which he checked him for; he was afraid of persons walking behind him taking notice of what he said. He says, he knows Baxter---Baxter and Hillier, and some others, were present at this conversation; Baxter said, he had been to Mr. Joyce, Chaplain to Earl Stanhope, and had some conversation with him. Baxter said, there would be no danger to be apprehended from Stone, a person who had been apprehended for high treason, for he had too much firmness for them to get any thing out of him. That the Committee of Correspondence and Co-operation were preparing an address to the army, with some strong resolutions: he said, that prudent determined men were wanting to propagate the opinions contained in those resolutions; that they had most to fear from the young recruits; that they succeeded best with the old soldiers at Westminster; that if one-third of the army were got over, the other two-thirds would not do much. He then mentioned some violent expressions concerning the Queen; that an officer who had lately been presented to her Majesty, had said, Why don't you blow them all up together? or some vulgar expression. He says, Baxter asked him if he knew where to buy a pike; he said, he would buy one himself, if he knew how to use it. Baxter said, if he went in his name to the sign of the Parrot, in Green Arbour Court, and asked for Edwards, he would have a pike; Edwards would be called out---that then he would be introduced to the others, of whom he might learn the use of it. Edwards

was

was a clever fellow, and could sell him pikes cheaper than musquets, and that so many musquets could not be supplied on account of the expence. He said, people might do mischief with musquets if they did not know properly the use of them. The witness observed, they might have a parliamentary reform without coming to blows. Baxter said, is there a man in the society who believes that a parliamentary reform is all we want? No, not one. He said, many men of property hitherto kept back upon account of the irregular conduct of the French, but now they would come forward, as they were convinced nothing was to be expected from Parliament; and a revolution might be effected in a few hours. He said, he, for his own part, did not wish the King, or any of his family, to lose their lives; he thought they might go to Hanover; that it must be expected that some blood must be shed; that there were some persons who offered such insults to the people, that human nature could not bear. He said, he attended to most of Baxter's conversation, because he was informed he was a member of the Committee of Correspondence and Co-operation; he said, many thousand pikes were making at Sheffield; that the heads only were to be made at Sheffield; that they were to be stocked in town; that he recommended nothing should be mentioned to the divisions till the new constitution could be adopted which Dr. Hodson had spoken of. It would be adviseable to let the French prisoners out; and if the emigrants resisted, they should share the fate of the Swiss guards at Paris. He mentioned the name of Mr. Pitt, Mr. Reeves, and Mr. Dundas, who had offered such insults as human nature could not overlook: he said, in going home, that the address to the armies was to set the troops that might be embodied at variance, and they would say to the army, they were sworn to fight for the King and country, but when the King and country were at variance, they might fight on which side they would; that they should mix with them, treat them with beer, and that it would be proper to enlarge on the severity of their discipline, and the smallness of their pay; sound their principles, and if they found the soldiers were aristocrats, then they were not to proceed. He did not recollect seeing Hillier's pike at that time; he communicated from time to time with Mr. Wickham, and gave him intelligence of what passed.

Upon his cross-examination he was asked what situation he had been in; he says, that he kept a broker's shop; he is asked, if he did not say to a man, that he was a dealer in King's stores, and would not mind cheating the King; he says, he did say to a man, that he dealt in naval stores, thinking that would prevent the man from making any more enquiry; that he went to buy a print of Mr. Worship, and that he did say, he dealt in naval stores; that he was asked what he was, and that made him say

say that, instead of giving a direction; but he did not say that he lived by smuggling, and would not mind cheating the King. He is asked, as to his having borne the name of Douglas, which he said he had for seven years; it was ten years since that he was a hair-dresser in Petty France; that his father had business of his own in the city; that he wished to go out for improvement, and he did not choose to appear a journeyman, when his father was keeping journeymen in his own house; that it was a mere accidental circumstance; that he knows Mr. Lincoln who collects rents for Mr. Macnamara; that he borrowed money of him, of which he had paid part. He said, Mr. Macnamara came to him at the coffee-house where the King's witnesses were, and behaved very ill to him; he was very much flurried; that he did not know very well what he said; Mr. Macnamara said, he came out of humanity to him, and said, the note would appear against him, if it was not paid. He was asked, whether he had not drawn these people in by his conversation; he says, in answer to that, that he may have approved of what they were doing, but he never made use of inflammatory expressions; he gives strange accounts to be sure; and particularly he never said, why did not you learn the use of arms; it will be of great use, and there is nothing to be done without arms. He was then asked with respect to Mrs. Coleman; he says, he knew a Mrs. Coleman; she lived and died in his house, and she had made her will; that he wrote it; that it was made in favour of one John Burrows, and John Leach, his wife's son. He was asked, if some charge was not laid against him by a brother of a former husband of hers, who came out of the country, and made a claim; he said, he did not recollect the particular circumstances. He is asked, if he knew one Cox, a cheesemonger; he said, he did; nothing turns on it, as that Cox is not called. He says, that Cox did not use him well; that he sold him hams filled up with mortar and stones. A print was produced, which is, an engraving of the manual exercise of soldiers, with a cap upon their heads, which was intended to be coloured red, the cap of liberty worn now very much in France; it is a sort of signal by which men who entertain those opinions may be known.

Gentlemen, I stated to you before, that this witness has given very important evidence indeed, and does throw great light on the case, tending to shew the determined purpose to call this Convention, for the purpose of making use of force against the King and his family, and against the government. If this man's evidence can be depended upon, he certainly states Baxter to use very strong language, extremely violent, and so indiscreet, that one would hardly think any man would have ventured to have used it; on the other hand, the observation made upon it is certainly founded, that he is not contradicted with regard to the testimony that he gives, and that all they have to rely upon,

to shake his credit, is, the account he gives of himself as having told a man, that he dealt in naval stores, having borne the name of Douglas, and coming there for the purpose of giving information to government. It is your province to say what degree of reliance you think fit to repose on this man's evidence.

The next witness is Groves, who comes before you under the same circumstances; another man whose credit is more directly impeached than Gosling's was. He says, he was at the Globe Tavern the 20th of January; he became a member the 5th of February. He says, on the 20th of January, there was a great assembly of people; Martin was called to the chair; an address was read by Richter; that there were many toasts drank; their language was in general for universal suffrage and annual Parliaments. He says, their object was to enlighten men's minds, to afford opportunities of instruction, to learn the natural freedom of all mankind; he heard nothing about arms; he was present at Thelwall's lectures; that there was a general abuse of the administration and of the branches of the legislature; he spoke of the King in terms of contempt; he used the word Solomon, which he understood, ironically; he said, the House of Lords was an aristocratic branch, that swallowed up almost all the other functions of the government; that he recommended a Convention, for the purpose of new-modelling the government, and to procure annual Parliaments and universal suffrage, and that he recommended the new-modelling of the House of Commons. He attended at Chalk Farm; Hardy was there, and Lovett in the chair; a letter was read from the Friends of the People, printed papers were dispersed, a letter from the Constitutional Society to the Friends of Freedom, proposing to them to join in a Convention, earnestly soliciting their concurrence and assistance in that Convention, in order to obtain a fair, full, and free representation of the people, and that the answer was read. It turns out to be a letter of the Corresponding Society, of the 11th of April, 1794; and then there were resolutions put, and 200,000 were ordered to be published. Groves says, he went a good part of the way from Store Street to Chalk Farm with Thelwall; there was a written paper upon the door of the house in Store Street, directing them to Chalk Farm; that Lovett was in the chair; that Thelwall and Richter were the principal speakers; that there was a clamour of spies and informers; Thelwall was for admitting all spies and informers there, because the number of the members of the London Corresponding Society would be no agreeable news to the Minister; Richter read the resolutions; he says, that some objection was made to the words British Senate, in one of the resolutions; that Hardy, who stood below, spoke once to Richter, and the words he used were, Read, Sir, without comment; this was when Richter was reading the address. He says, that afterwards there was the division-meeting

meeting in Compton Street: Thelwall, taking a pot of porter, blew off the head, and said, 'This is the way I would have all Kings served, or, This is the way I would serve all Kings: he gave for a toast, "The lamp-iron at the end of Parliament Street," and called out to some one to cover it---that is, to give another toast, I suppose; when somebody at the other end of the room cried out, "The Treasury Bench." He says, no visitors were present at that time; he says, Green was a member, and he had some private conversation with him in the coffee-room; he talked of universal suffrage and annual Parliaments; but he said, these were only to be considered as ladders to obtain their end. He says, then there were about half a dozen together having bread and cheese, and porter, at Chalk Farm; that he saw a cutting instrument, a clinched knife with a spring, which, when the clasp opened, prevented its joint working, so that it was then fixed quite firm. He says, Pearce had one, and somebody observed they were bread and cheese knives, and a smile went round the room: he asked him, where they were to be had; he was informed, he might get one at Green's, in Orange Street, Leicester Fields: he says, he went to Green's; Green told him, he had sold about two or three hundred, and Green beckoned to him to speak very low, for the parlour door was open, joining to the shop, and his wife was a damned aristocrat. He attended the meeting regularly; and that Pearce said of the knives, when they were at Chalk Farm, if you strike with them, they will not fly back. He says, a man from Sheffield found fault with the construction of these knives, and said, they might be made better there. He says, a subscription was proposed for Dr. Hodson, who was in Newgate, but that the proposition was rejected, on account of the violence of his conduct; he was present at the Crown and Anchor the 2d of May, at a dinner of the Constitutional Society, and at the division-meeting on the 25th of February, when an address from Stockport was read, No. 3, Compton Street, which paper being so late as the 5th of January, 1794, it will be proper to read.

(Read by the Clerk of the Court.)

"Rights of Swinc." See page 17, and following, of this volume.

The last part is the material one---"O ye poor of the land, do you fret and whine at oppression? Yes. Then, as ye do, so did your fathers before you! And if you do no more, your children may whine after you. Awake! arise! arm yourselves with truth, justice, and reason! Lay siege to corruption, and your unity and invincibility shall teach your oppressors terrible things! Purge the representation of your courtiers! Claim as your unalienable rights, universal suffrage and annual Parliaments! And whenever you have the gratification to choose a representative, let him be from the lower order of men, and he

will know how to sympathize with you, and represent you in character. Then, and not till then, shall you experience universal peace and incessant plenty."

This last passage is the material one; the whole of the paper, in point of general inflammation, is very bad; and the date of it is material, 5th January, 1794.

John Groves then goes on to say, that the prisoner Hardy brought him a ticket for the anniversary dinner of the Constitutional Society, to Crown Court, Covent Garden; he says he paid nothing for it. He says there were a certain number of the members of the London Corresponding Society invited, about twenty in all; there was some bad news came which gave universal satisfaction; there was a song called "The Free Constitution," delivered out before dinner, and there was one of them lay upon the plates; Mr. Wharton was in the chair. Mr. Burchell, Mr. Sharpe the engraver, several members of the Corresponding Society, Mr. Frost and Mr. Hardy, the prisoner, were there; that when the company came into the room, French popular tunes were struck up---Ca ira, Marseillois march, and the Carmagnol; they were encored all dinner time, and there was a continual scene of clapping. After dinner, Mr. Horne Tooke addressed himself to the company, and said, that he supposed one out of fifty in the room might be considered as a government spy; that he begged the company to observe that he was not in a state of inebriation, for having something to say to the company, he had taken care to refrain from his glass; that he called the Parliament a scoundrel sink of corruption; that he called the opposition in Parliament a scoundrel sink of opposition; and that there was formed a junction between these two scoundrel parties, for the purpose of destroying the rights and liberties of the people: he said the same of the House of Lords, and asked if that skip-jack, naming a particular Lord, could be considered as one of the hereditary nobility, and said it was in order to amuse or abuse that poor man, the King. Being asked what was in order to amuse or abuse, he said, the junction between the two parties, as he understood him. His speech was received with universal applause, and there was a song to the tune of God save the King, but not those words; he could not recollect the words. Mr. Tooke sung that song, or an additional verse that had been forgot. This was his evidence in chief.

Upon his cross-examination he says, he follows the business of conveyancing, and has done so two-and-twenty years. He says, he is not an attorney. He is asked as to a solicitor; he says, he does not understand what was understood by that term; but at last said, he was a solicitor in this place for prosecutions and prisoners. Thelwall, he said, when he went to Chalk Farm, rather fixed himself upon him, than he upon Thelwall. He says, that at the Crown and Anchor dinner of the Constitutional Society,

ciety, Mr. Tooke spoke highly of the hereditary nobility of the country; he said, they had lost their weight in the scale, by the introduction of adventurers: he spoke highly of the office of the King---he said, that new-made Peers combined to amuse him---that the King had lost his due weight in the constitution by this corruption. The object of all his conversation was, that undue people were brought into the House of Commons, and thereby the evil he complained of arose. They then read a song which was found in a letter addressed to Mr. Hardy, without date, found in Hardy's closet, beginning---

“ Why vainly do we waste our prime,

“ Repeating our oppressions ?

“ Come, rouse to arms ! 'tis now the time

“ To punish past transgressions.”

See p. 33, of this volume.

Gentlemen, I would observe to you, upon this song, what, perhaps, may occur upon some other parts of the evidence, that it was fairly taken notice of on the part of the prisoner; that there is a great deal of difference between loose papers found at his lodgings, in his situation as secretary, to whom all sorts of things would be addressed---I say, there is a vast difference between these sort of things, or any sort of conclusion drawn upon this sort of subject, and papers that are communicated, read, and acted upon, and made, therefore, the act of the party himself by his own conduct upon it; but the evidence could not be rejected, because keeping such papers by him is a reproach to a prudent man, and affords some evidence of the improper connections he forms, in consequence of which all those sort of things come to him.

The next witness is John Thompson, who proved the finding a pike at Hillier's.

Camage is then examined again, who says, he saw Maurice Margarot at the Tolbooth, Edinburgh; that he had a spring knife upon the table at Edinburgh---by his description, something like these Sheffield knives: he never saw one himself at Sheffield. This was a knife laid publicly upon the table, and he was shewing it as a curious knife.

The next witness was George Lynam. He says, he was a member of the London Corresponding Society in October, 1792; that he belonged to division No. 12. He said, he received the rules of the society, and the address of the society in March, 1792: that having seen these papers, he intimated to the landlord where they met that it was a society for overturning the constitution of the country, and that he thought it would be dangerous to permit the division to come to his house, and the division, in fact, adjourned to the Crown, in Newgate Street, where he was admitted as a member. He says, on the 29th of November he went to Unicorn Court, to the division No. 2; there was a large

large company, and the room full, of 70 or 80 people. Mr. Hardy was there, and he appeared as secretary. He says, Paine's Address to the French Nation was brought forward, and voted to be delivered out to all the divisions---that a paper called Rights and Duties of Man was to be continued weekly---that the delegates had received addresses approving of the society's address to the National Convention---that the delegates of the division report to the division what was done at the Committee of Delegates.

And here it will be proper just to mention, how that stands by the constitution of this society. It is divided into a great number of sub-divisions, as many as they can conveniently make, not having less than thirty in a sub-division; each of these divisions chose a delegate to represent them in a General Committee of these Delegates, which General Committee of Delegates act for the society at large; and all such measures as are thought fit to be communicated to the divisions, are communicated by the delegates of those divisions. This is the way in which this is carried on.

The witness says, he was present in Newgate Street when the address to the Convention of France was read, as having been brought forward on the 27th of September, at the Unicorn. On the 2d of November, he was at the Rainbow, in Fleet Street, division No. 11, and there was a report that the Society at Stockport had wrote to Sheffield, and had approved of the different meetings; that in that letter, which was a pretty long one, it was proposed that it would be a good thing to send the London delegates down to teach the farmers politics; that this was wrote by the editor of the Sheffield paper entitled the Patriot, and this was written to the delegates, and came through the hands of the prisoner Hardy. This paper was afterwards produced, and it corresponds, though much fuller than this note goes, but corresponds pretty much with it, except that the proposition, instead of farmers, was, that the society of London should send delegates to the respective societies in the country to enlighten their minds. He says, there were six honorary members of the London Corresponding Society admitted to the society at the Crown and Anchor.

Hardy's election for delegate was then produced in a paper found at Hardy's house.

Lynam then goes on, and says, he was at the division No. 2, on the 12th of November, at the Unicorn. There were loud applauses of a letter from Barlow to the Convention of France; that it was either Barrere or Barlow. He says, that the number of the society was stated at about 6000; that the 2d division of the society in the Spitalfields division was increasing, and would soon have a number equal to all the other divisions. There was a letter from Major Johnston communicated from Edinburgh, disapproving

disapproving of addressing the National Convention so soon. He says, the address which they had ordered to be sent to the National Convention of France had been ordered to be published in France, and sent to the eighty-five departments. The society at Sheffield had sent up their address to the delegates, which had been forwarded to the Convention of France. The 21st of November he was at division 12, the Crown, in Newgate Street. There was a talk of a Congress to be held in Scotland. The charge delivered by Mr. Justice Ashhurst was read. It was afterwards reported, that the society at Norwich wanted to know, if they intended to come into the Duke of Richmond's plan, or to root out monarchy; that they suspected this was to draw them into some unguarded expression, and they declined answering it. You recollect, that letter was read, and that when they did answer it, the answer was a more guarded one than some of the letters of this society; such an answer as might naturally lead one to think there was some suspicion. It comes out a curious circumstance, that this man, who attended his division, and took notes, that that circumstance should be mentioned; that it was suspected that letter did not come from a friend. He speaks then of the branching of a new division, 23, from No. 12, at the Ship, in Moorfields, and that they met the 27th of November, for the first time, when he was chosen a delegate of this division. It was recommended at that time, that the public should be informed, that they were not levellers, and that they wished to avoid all riots and all resistance; that this arose from the magistrates having interfered with their meetings; that the conversation was, that the first characters in Edinburgh belonged to their cause; that they had formed themselves into a society, and called themselves the Convention of Delegates. The 29th of November, this man attended a Committee of Delegates at the Sun, in Windmill Street: 22 delegates were present; his notes are at division 11; had twenty visitors from Islington; that a society was intended to be formed there. The Sub-committee brought forward the answer to the Crown and Anchor, which was referred back, and another answer was offered, drawn by a gentleman of the name of Vaughan, (Counsellor Vaughan,) who was a visitor there then from the Constitutional Society, which was approved of after some alteration; the words, dying in the cause, were struck out, and there was something said in justification of this by something that passed in Cromwell's time. It was agreed, that it should be put in the Sunday paper, and 500 bills posted up, that they were not levellers; and if their funds were low, Mr. Vaughan said, the Constitutional Society would print for them. It was reported, that they understood enemies were getting into the society; that the 5th division had been scouted; that Margaret made a motion, to write to Mr. Pitt and the Attorney General,

General, that if their meetings were illegal, he would be ready to surrender himself; but this being over-ruled, it was agreed to support all prosecuted members. A note was then produced from Hardy to Lynam in these words---“ Citizen Lynam, you are requested to meet the Special Committee this evening, at seven o'clock, at the Nag's Head, Orange Court, Leicester Fields. I am, your fellow-citizen, Thomas Hardy.” This is a circumstance, in some degree, confirmatory of Lynam's general evidence. He went, but there was no meeting on the 11th of December, division 23: it was reported there, that the London Corresponding Society's rules had been distributed among the soldiers; it was reported, that the Irish were scouted as we had been, and they had applied to the Council; he understood the Privy Council, who had declared their meetings to be legal; he said, their funds were low, and the division recommended to subscribe to the publication of the address, but he does not know how much was collected. Three of the division offered to stick them up about the town. He said, Baxter was ill-treated at Shoreditch Church; that he put his hand in his pocket, and took out two of the society's addresses; that he had thrown one of the addresses among the people assembled there. Upon the 13th of December, the delegates met in Round Court Strand; 18 present; Mr. Hardy was there. It was reported, that the magistrates were after Littlejohn, and one Field was chosen assistant secretary. A motion was made, to write to the Common Council. He says, Ridgeway was to publish Margarot's letter to Mr. Secretary Dundas; the project was, this was a letter to be written and carried to the Post-office by Margarot, and two others with him, who were to take a receipt, that they might be sure it was sent; a receipt was to be taken at the Post-office. The letter was read, calling upon the Minister to protect their lawful assemblies, and that if their meeting was illegal, he, Margarot, might be the first to be attacked. Signed Maurice Margarot; dated the 4th of December, 1792, No. 10, High Street, Mary-le-bone; addressed to the Hon. Secretary Dundas.

Lynam says, his note goes on to state, that the division first recommends, that as it was generally expected riots would ensue, our societies will aid the magistrates, and that copies be sent to the magistrates, and to take care that no disposition to riot appeared; that they would persevere in a parliamentary reform; and if prosecuted persons were not found to be rash in words, or violent in transactions, they were proper to be protected by the society. He does not know that it was approved by the society. The delegate for the division No. 2, desires to bring forward the new-shaped cards of admission, and each member to give up his old ticket.

A letter

A letter from Cousins, secretary at Norwich, was read, stating; that they were meeting there to support government; and they ask, whether the London Corresponding Society had signed to support government. Margarot thought it was not proper to communicate that to the divisions. What was the reason for that, does not appear. There is a letter of the 15th from Paisley, mentioning a willingness to correspond, and mentioning twelve societies formed in August for parliamentary reform, and a letter from Edinburgh, of the 11th of December, to call a Convention of all Scotland, to be of the same opinion, and the title of the society was to be, the Friends of the People. Archibald Hodge, chairman; William Read, secretary.

The division No. 33 meet at Crown Street, Soho; nothing was done there. At a meeting of delegates on the 20th of December, No. 31, Compton Street, Hardy was there; 18 members present; two members were deputed of the Constitutional Whigs, to know if the London Corresponding Society would concur in an address to the people. Division 2 recommends a petition to Parliament before Mr. Grey's bill; Martin recommended not to publish any thing; that the times would not do; that they could not stand against the treasury. No. 16 moves for the delegates to determine if they sign the address to the Crown and Anchor, and this was left to every man's discretion. That is the address that had been formed there by another party for the support of government, for that was the question, whether they should sign that, and it was left to every man's discretion; but to avoid it if possible, Margarot wrote to Cousins to say, he would not sign it. There is a communication that five guineas were sent, in order to have Fox's speech sent down to the persons from whom that money came, and for hand-bills, to express a determination to persevere, and they were sent accordingly. No. 16 proposed to give tickets to the soldiers, to admit them gratis, if they chose to enter, but they should be warned of their danger; this was not agreed to. No. 24 moves to publish a determination to support the magistrates, and persevere in a parliamentary reform; agreed to, and Margarot to draw it up. Then there was a petition from Carter, who stuck up bills for them, that he had lost a place of twelve shillings per week. Ridgeway communicates that he would publish any thing that the society would send to him.

It was observed by Mr. Margarot, respecting Mr. Fox, that he had gone as far as could be expected, but they were not to trust him, for he was forced to avow what he had avowed. Martin reported, that Gay had employed Carter to stick up bills, and that he had stuck them up in the morning instead of the evening, as he was directed; in consequence of which, he had been taken up. At No. 31, Compton Street, the 27th of December, Hardy was there; each delegate to take the sense of his

division upon the propriety of admitting soldiers, and on what terms. On the 3d of January, 1793, Margarot presided; Hardy was secretary, and Field sub-secretary. The distresses of Thompson's wife were laid before the meeting; he was a member, but had gone away; twelve shillings were collected from sixteen delegates, and a recommendation to individuals to subscribe for her. A declaration was proposed to be published; two divisions objected to it, and the objection was, that they would rather have a constitution without a King, than a King without a constitution; and it was observed, that this would be a thing proper to be said, if they were republicans. Margarot reported a letter from Ireland; notice was given of five delegates from the Roman Catholics in Ireland, of the same sentiments with themselves, and the application was to them to see whether a communication could be opened with them. Hardy was present. In division 23, the 8th of January, Crown Street, Moorfields, a declaration was proposed, and agreed to be rejected; they were not to address the King. Mr. Grey could not bring forward his motion, unless the society petitioned---agreed by all means, therefore, to petition, and not address. The 10th of January, 1793, No. 31, Compton Street; delegates, 17 present, of whom Hardy was one. The declaration was to lie upon the table; no written papers to be brought in but by delegates or the treasurer. Margarot reported, that the country correspondents did not shine. A letter to Free Mason's Tavern, and an answer that they expected to obtain an effectual reform; they were desired not to mix foreign politics, and avoid correspondence. It was remarked at this meeting, that the meeting at the Free Mason's Tavern never brought forward their principles, and they determined not to correspond with them. Mr. Bell observed, that the address to the National Convention of France proves that we want their laws here; to which, according to this minute, Margarot said, No doubt; others said nothing. Perhaps this is the most material of all these papers that I have hitherto read to you: that in the course of the consideration, in this Committee of Delegates, of the address to the National Convention of France, Bell observed, that the address to the National Convention proved that we want their laws here; that Margarot said, No doubt; others said nothing; and that Hardy was present at that meeting. It was observed, that a plan that had been proposed of an addition of a hundred members to the House of Commons, would not do; it would give them advantages, and keep us from a proper reform. Reported that one of the Irish delegates had agreed to correspond. Hardy told him, he had dispersed thirty addresses, and twelve of Kersaint's speeches. Upon the 7th of January reported, that nineteen of the divisions were kept up; they were to debate, whether the age of eighteen or twenty-one was the proper age of voting; argued for eighteen,
because

because lads of that age were liable to be militia-men, and therefore able to consider of the best means to obtain a parliamentary reform. Referred back again for further consideration. No. 4 proposes thanks to the Mayor of Glasgow, to a society at Durham, and a society at Dundee, for uniting with the society. Sixteen delegates were present. A petition from Carter was presented, who had received a sentence for sticking up a bill, supposed to be a libel, for this society; a Committee to examine how his defence has been conducted. There was a motion made for the delegates to meet on Saturday evening, to discuss political questions. A letter from Norwich---the Friends of the People want to propose a mild reformation, and this society from Norwich want to know whether they are friends. The letter signed Hobhouse. Blake proposed to set up a society at Bath, and they proposed a correspondence. It is proposed to correspond with the Norwich society, through the means of Bell's society. On the 24th of January, Thompson's wife applied again: Martin thought it should be rejected; and there was a conversation about the bill-sticker, and what Counsel had been applied to. Mr. Martin reported, that he had an *ex officio* from the Attorney General, and also an account of what Counsel had been applied to, and who undertook the defence; and the anxiety respecting the manuscript of this bill that had been stuck up, which had got into the hands of Grant.---A letter from Richter, which said, that he did not dare attend.

The delegate, No. 5, going to France, had some copies of Paine's works, and had private notice, that they would all be taken up on the 31st of January. Baxter, from No. 16, proposed, that, in future, 6d. should be applied to the division to which each person belonged, and 7d. for the room. It was observed, this might be proper for poor divisions, but not for the rest; it was remarked, and assented to by all, that supposing there should be an opposition, and two parties came to an open rupture, it would be proper to encourage the two divisions in Spital-fields, No. 16 and 25, because they were more numerous; it would be proper to keep them together. These two divisions were stated to be as large as all the other divisions put together; this last remark, he says, he makes from recollection. No. 7 proposes to publish a letter written by a Mr. Law to Mr. Reeves, respecting the business of that association; but this was rejected, and another publication proposed.---The reply to the answer of the Friends of the People objects, that they were not explicit, and they want to know how far they meant to go in the design; and Lynam's note is, that they were apprehensive of a breach. The general sense of the Friends of the People did not go so far as the London Corresponding Society, or the Constitutional Society, who thought, that it must come to a struggle. This, he says, also was from recollection. Margarot said, we are getting

on too fast again; a petition is not the mode. Then comes a material passage; but yet it was agreed a petition should be presented, to keep the public mind agitated upon the subject of reform. Upon the 5th of February, division 23 met in Crown Street: it is reported; that sixty friends had declined meeting; that there were certain religious societies in the kingdom, whose sentiments led strictly to republicanism; they were numerous in several of the great towns, naming them, and particularly in London; and that the society in London were now beginning to organize themselves agreeable to the principles in France, and they were to meet on Mondays and Thursdays. They speak of Paine's works that had been published in Sweden. On the 7th of February, delegates met at No. 8, Queen Street, Seven Dials; Hardy was there; it was reported, an anxiety to preserve divisions 16 and 25 as poor divisions; that they would be of great service if we go to war. This was an observation of Margat's. It was said by many, that it was eventually expected there would be a rising in the country. It was remarked, that there were no answers passed, though two letters had been sent. A Sheffield letter, of the 16th of January, by order of the Constitutional Society, had been conveyed to all the societies, requesting to know how far they meant to go, and that they were all of one opinion not to petition this year. Hardy, who was present, proposes a delegate from each division of the society, to agree how to proceed. Mr. Fox's observation in the House of Commons, that the people had a right to alter the government when they pleased; that the Scotch Convention, and the Irish, had done it; and the London Corresponding Society was first formed, to send a delegate to all the other societies, to determine the best way of reform. The Friends of the People in the Borough still exist, and were determined to communicate with this and other societies, and enquire into their intentions. It was agreed, on a circular letter to all the societies, to meet, and come to some determination. The question to be debated at each division---what is the best way of proceeding, and the meetings to be advertised. Determined to write to Sheffield, to inform them they will strictly answer how they mean to proceed. Upon the 14th of February, 1793, division 12 chose Godfrey as a delegate, who was rejected, as being Lord George Gordon's attorney; and they said, his name was bad. The note is, that they would never have any man in the division connected with Lord George Gordon, who was a troublesome man; he was rejected; that they were to meet the following week. Determined to meet the next week, to know if they were to petition Parliament; it would divert the public attention for the present. It was agreed to demand a conference of the Constitutional Society; they are drawing up a state of the representation, and are going as far as we are; the Friends of the People do not go so far; the Borough

Society

Society do not go so far; the Holborn society say, they are for a republic; that that society had since broken up, and most of the members have joined the London Corresponding Society; that there were six societies to confer. There was a letter sent to the Constitutional Society at Sheffield, to say, that there will be a conference about this matter, and that they will write. The division 39 proposed for consideration three motions---whether to petition the King, the Parliament, or to call a Convention.---Remarked, it would be well to decline coming to any resolution till the whole nation are agreed. Margarot says, they should neither petition nor remonstrate, it would be unconstitutional.---Reported, that the Aldgate Society had thanked Mr. Fox for his speech, that the people might alter the government when they pleased, without giving their reasons.---Division 23, held 19th February, in Crown Street. The age for election was agitated, and it is put to the vote; and it was determined in that society to petition Parliament.---The 24th of February the delegates met; Godfrey was re-chosen, and rejected again. Godfrey said, they might reject, and reject again; he said, he would not quit the place:---and they adjourned to No. 57, Charles Street.

On Saturday evening, the 23d, it was reported, that a great number of delegates were in town from different societies to procure this reform.---A correspondence opened at Southampton.---A letter was sent from the Constitutional Society, that they were to adjourn to the 15th of March, to see what Mr. Grey would do in Parliament.---Agreed to write to all the societies to send a petition to Parliament; that theirs was to be prepared immediately, and it was expected they should have 200,000 names; that if this petition was rejected, they would write to their friends to continue, as then there would be time for them all to unite and petition the King. The Friends of the People approved of Mr. Grey's remonstrance.---Reported, that the Bank's refusing to discount, would assist the cause by creating insolvency.---A man proposed to subscribe to a book against imprisonment for debt; they refused to subscribe, but they agree to take extracts out of it, which were published.---There was a letter signed by Carter or Curtis, of the 15th of February, who signed the answer of the Friends of the People, in answer to a letter of the Corresponding Society of the 1st, and an answer from the Norwich Society. The Norwich Society don't think the Friends of the People are friends to the cause.

On the 28th of February, the delegates met. Mr. Margarot proposed thanks to Mr. Fox, and the minority, and to Lord Lauderdale, &c. and that this should be advertised.---A letter from Sheffield, enclosing the resolutions of the 13th of February, by order of the committee. The witness gives extracts of the letter; it is agreed to write to Sheffield to inform them, that a
petition

petition to Parliament, though we do not succeed, yet at this time will answer a good purpose; the London Corresponding Society are going to petition, and to write to all the societies in the kingdom to do so, and cause the subject to be agitated every week; that there was no time to be lost, and they say that we equally lament the war.---A petition of the London Corresponding Society to be sent by Margarot to Mr. Fox, to be presented. ---On the 7th of March, fourteen delegates were present; Hardy was one. The petition was produced, and read to the divisions upon the 14th of March.---New delegates to be chosen on the 28th.---Moved that Mr. Friend's pamphlet on the war be re-printed; petitions to be drawn out on rolls of parchment, each delegate to have one, to try what coffee-house would take it in for signatures. On the 21st of March, Baxter reported, that there had been constables at his division.---A letter dated the 15th of March to Hardy, from Birmingham, of which he gives extracts, beginning, Citizen Hardy. Reported, that the Friends of the People have received two letters from the Friends of Freedom at Sheffield.---Grant and Littlejohn were discharged from their situation as honorary members of the Constitutional Society. The Constitutional Society wrote to this society to send other honorary members: Grant was discharged because he refused to give up the manuscript. A motion was made to print 1000 of Friend's Address to Republicans and Anti-republicans, to make extracts and strong remarks, by Mr. Margarot. Upon the 28th March there were 718 signatures to the petition, and five skins not yet brought in. And the select Committee to make new laws, to be submitted to each division.

On the 4th of April the witness was re-elected again a delegate of the Select Committee, to consider of regulations or heads prepared, and among others a plan of a constitution upon general principles. Upon the 11th April 2000 had signed the petition. Wrote to the Friends of the People, thanking them for their impartial state of the representation. Small bills to be stuck up in the night-time, informing the public where the petition lay for signatures: 2500 signed, on the 29th April. Crown and Anchor Tavern, Lord Sempel in the chair; many of them talked very boldly, and laughed at the fears of the public; and were sure a revolution would take place in this country. The toasts were, "May despotism be trampled under the hoofs of the swinish multitude---Freedom to France, and liberty to all Europe---Thomas Paine," &c. On the 2d May, 11 delegates present, Mr. Fox wrote to Hardy, that the petition brought to him wanted an article of reform which was contrary to his opinion; he did not think it proper for him to present it, but he would present it if they desired it. Mr. Francis was desired to present it. Two delegates, from Sheffield, were made honorary members: Mr. Fox's

Fox's note was produced, but nothing particular was done upon that.

The 16th May, No. 7 proposed to draw up a remonstrance against the war; it was said Mr. Hardy had received an anonymous letter. 23d May, twelve delegates; called a general meeting; a letter from Littlejohn; proposed to have a committee to prepare an address; notice was taken of the letter of Le Brun to Lord Grenville, and it was observed, this might be thought to have come from some communication with France, and they chose to wait to see what notice should be taken of that letter. It does not appear what that was. On the 30th May, Hardy proposed to break up for three months; this was not carried. 6th June, a public meeting was advertised, appointing five o'clock for going. Thanks to Mr. Wharton for his speech; agreed to be printed, and comments to be made upon it. Constitutional Society publish 10,000 copies of Wharton's speech. On the 13th June he ceased to be a delegate. On the 25th of September, he was at division No. 23, at Bandy-Leg-Walk: reported, that there is a new society at Coventry, which increases. It was reported that there was a new division of the London Corresponding Society. It was stated that Mr. Cruden, of Walworth, had written that offensive paper--the Guillotine. It was remarked, that he was supposed to be employed by the Convention of France. It was reported, that there was a petition to the King, brought forward at the last meeting of delegates, which was declared by Mr. Vaughan to be treasonable, and another was ordered to be presented.

On the 7th of October, 18 new members were elected. Mr. Bell was going to Ireland, to establish a new correspondence there. Petition from the delegates against the war. Hodgson president, Hardy secretary. The next week in October there was a committee to elect two delegates, to be sent to the Convention in Scotland. Margarot and Gerald were elected; this was at a house in Hackney Road. Upon the 5th November, division 25, the delegate reported that Baxter was chosen chairman; that Margarot and Gerald went to Scotland the 30th October. That the funds were low, subscriptions not equal to the expence: another delegate to be chosen from each division, to form and to revise the constitution of the society. A society at Bristol corresponds. Colonel Macleod and Sinclair were gone to Edinburgh as delegates from the Constitutional Society. Heard of an association at Lambeth to learn exercise, and not modelled; these were members of the London Corresponding Society, who were desirous of introducing the exercising of the society's divisions, on different nights. That memorandum respecting the association at Lambeth, is so far material that it speaks of that association as an association that had only been heard of for the first time, and had not originally proceeded from the Committee of Delegates.

On

On the 12th of November, a division-meeting, No. 23; a letter from Norwich, approving of the Convention in Edinburgh: the finances low, a second subscription wanted to support the delegates to Scotland. Then there is a kind of instruction or memorandum to the delegates, a letter sent to the delegates to visit all the societies in Scotland. The witness says, he first thought what was said of the finances related to the Norwich society; but looking again, he rather thinks it relates to his own society. A report of the delegates to the Committee of Delegates, reported that there was to be a second general meeting at Edinburgh; afterwards altered, and intended to be at Glasgow. A letter read on the 8th November, from Hardy to the delegates in Scotland. On the 2d of January, the witness attends again as delegate, Hardy secretary. No person to be elected a delegate till he had been two months a member. It was agreed to draw an hand-bill to approve of the conduct of the delegates at Edinburgh, censuring the magistrates, and to distribute a thousand in Edinburgh. A letter, signed William Broomhead, chairman, from Sheffield, was read, recommending them to come to some spirited resolutions, to be adopted for the support of the delegates immediately, and mentions that there were 2000 at the meeting. The 9th of January he has not got Hardy's name as present, but believes he was.---General meeting on the 20th; dinner to be at the Globe, and a Sub-committee to be appointed for the management of it---Thelwall, Franklow, and Stiff, to be the Sub-committee. The following persons to be stewards---Thelwall, Franklow, John Agar, Stewart Kyd, John Lovet, Harrison, Stiff, Peacock, Harris, Sinclair, Powell, Williams, Mitchel, Pearce, Moore, Moffat, and Martin; tickets to be 5s. those who dine paid 5s. 6d. and those who did not dine paid 6d. Another Sub-committee to be appointed, to write to the societies to unite in an address to the public on their invaded rights by the proceedings of the magistrates of Edinburgh, and to discuss the conduct of Mr. Dundas. The witness Lynam was reported to be a spy: he was tried, on the 13th of June, at the Committee of Delegates, and acquitted by a great majority. Martin was present at the meeting at the Globe Tavern: he says, he was there before the meeting began: when they assembled, the floor gave way---they went to the room above stairs---there was a place built for a musician on one side of the room---Martin, Richter, Hardy, and Ramsey, were there---the short-hand writer reported Margarot's trial. The next thing was an address to the nation, which was carried: Hardy was there, and he gave the toasts, and bills recommended to be stuck up, saying what grievances they want to be redressed. The next thing that came forward was a box for the subscription to support the delegates in Scotland, which was 13l. 3s. 5d. and nine bad shillings. It was proposed to publish the names of those who

who had given evidence against the patriots, and this was objected to by Thelwall, on account of producing massacres; they were to choose two sub-delegates to watch the Parliament every night, and a Committee was chosen to watch the parliamentary proceedings.---Upon the 30th of January it was proposed to open divisions to all parts, and raise subscriptions for the delegates in Scotland. No. 13 recommend to those members not to subscribe. No. 8 wished to know if they should remove; there were a vast number of press-gangs constantly about, and they lost their business. Thelwall moved to appoint a further Committee of Delegates, to consider of measures to be pursued during this posture of affairs; those of the General Committee of Delegates chosen, to be filled up by the other delegates, to be invested with discretionary power to report to the Committee, who might dissolve them when they pleased: Martin, Baxter, Thelwall, and Moore, are named---it is carried unanimously---the Secret Committee to consider what measures were necessary to be adopted, according to the measures of the House of Commons, and to call a General Committee of Delegates when they saw proper. A Sub-committee of three was proposed to consider of raising subscriptions for the delegates in Scotland. Thelwall proposed a Committee of two, as a Committee of Exigence, to report to the General Committee---this was withdrawn. A letter was stated from Bristol to their old friends new revived.---Upon the 6th of February, Hardy being present, there is a motion from the Permanent Committee to appoint others not known. His memorandum is---as it was thought dangerous, they were to be dissolved, and to name others, and their names not to be mentioned.

You will take notice, Gentlemen, of the progress of this appointment of a Committee, which was to be a Secret Committee to act in the present posture of affairs; that afterwards this Committee was dissolved in this extraordinary manner; they were to name a Secret Committee whose names were not to be known, so that the business was to be conducted by a Secret Committee, who might probably be the same persons, who might not be known to be the same persons; and the ground of it is, that it was thought to be dangerous. What it was that the Secret Committee were to do, is matter of observation upon this extraordinary proceeding. There is a letter in a parcel from Sheffield, from Margarot, dated the 11th of January, and a letter from Gerald, for a short-hand writer to come down and take his trial; a motion to reprint the Rights of Swine; a motion for a Committee of seven to revise the new constitution; a motion that 5000 copies of Lord Stanhope's speech upon foreign troops be printed, and return him thanks. He says, he ceased to be a delegate soon after; he was then asked, who and what he was; he describes himself to be an ironmonger, and in the com-

mission line; that he was first among these societies by accident at the sign of the Mansion House, where he saw some of the resolutions, when he told the landlord that this appeared to him to be a meeting to overturn the constitution, and advised him not to let them meet there any more. He says, he went into the room and conversed with Watson, and he refers to a paper which the landlord shewed him, which was the resolution and address of the society, and he refers to a paper dated October 1, 1792.

Upon his cross-examination he says further, that he is in the commission line; has done business for Birmingham and Sheffield; he has no commission from any manufactory at present; he is now applying for business at the East Indies; he was seven years in this way in a small degree; did a great deal of business last season; that he first had a warehouse in Wood Street---from there he came to Walbrook; he has not been in the retail branch since he left Alexander's house: that the resolutions and addresses were first published upon the 24th of May, 1792; he seemed to think as them. He says, when he was tried for being a spy, he was tried upon the evidence of several gentlemen, who were brought forward to prove that he was not a friend to the society. He had been absent in Staffordshire and Yorkshire for some time. He consulted with a friend, who recommended it to him to make report of these transactions, and he has done so from time to time. He thinks the first report he made was the 9th of October, 1792: he made his reports to one whom he was certain would communicate those reports to the proper channel, but that the person was not a magistrate. He said, that he put down every thing he could; it was his duty to do so, for he was to report to his own division, and he gave the same reports to his division as he did to government.

Gentlemen, it has been a tedious work to go through the broken account of the transactions of this man's notes, but, upon the whole, they carry with them very great marks of authenticity, and with respect to those facts which were clearly collected from them, they seem weightily proved, for I cannot see that the evidence of this man is shaken in any particular whatever; for if any man chooses to give information of proceedings which he took to be dangerous to the constitution, to say that that is to affect his credit, is not a thing fit to be asserted in a Court of Justice, nor fit to be encouraged by a Jury. Where men of this description give evidence, and they give evidence in a way that is fairly open to observation, the circumstance of their giving evidence in that manner will have its weight; but if their evidence in other respects is consistent, uniform, probable, and unimpeached, it is not enough to say this man went into this society on purpose to inform the magistrate what was passing, for it seemed necessary that that should be done---it was the duty of the magistrate to watch over the public peace; and if there were

were any secret proceedings, it was the duty of the magistrate, by all possible means, to bring those proceedings all forward to the test of the law, to see if there is any thing irregular in them or no; and the magistrate would neglect his duty if he did not do so.

Gentlemen, the next witness is Maclean. He produces a letter found upon Adams, the secretary of the Constitutional Society, of the 13th of October, 1792---a letter from the editors of the Patriot, at Sheffield, directed to John Andree, secretary to the Society of the Friends of the People, and of the Rights of Man, at Stockport. This letter, though of a pretty old date, is one that seems to deserve attention, and therefore, if you please, it shall be read to you, to shew the extraordinary diligence and attention with which the making of proselytes to this cause was pursued in that part of the country, as well as in many others.

(The letter was read by the Clerk of the Court, dated October the 13th, 1792.) See page 277, Vol. I. of this work.

(The answer was also read by the Clerk of the Court.) See Appendix to this work.

The next witness is Coates; he was an apprentice to Franklow, No. 1, China Walk, Lambeth. He says, he was bound in November last; that Franklow used to be out late at nights, exercising twice a week, and went on exercising with fire-arms up stairs twice a week, about eight o'clock in the evening; Shelmerdine and Williams were two of the persons who used to be there; there were about eight of them, and he supposes they were the same persons; the window-shutters used to be shut, and the fire arms lay upon the board; they used to go sometimes to Worcester Street, in the Borough; that he once saw his master in regimentals, and that Mr. Williams had a uniform; he saw his master in regimentals one Sunday morning in the house.

James Walsh says, he was at Chalk Farm when Richter read the resolutions, and he heard the word Convention mentioned by him, and that they formed a correspondence with different societies, and different towns. That was all he could say, except that there were 200,000 copies of the resolutions to be printed; and he said that Thelwall spoke very violently.

The next witness is Thomas Green. He says he is a perfumer, that he also deals in knives and cutlery; that it is customary for perfumers to deal in such articles. He says, he had a knife with a catch in the back; that he had three dozen of them from Sheffield. He says, they were packed in small parcels; he has sold fourteen of them; he can name three or four persons who bought single knives, and one was the prisoner at the bar, and that he gave him six others in the package; he was to make choice of one, and if he could dispose of the rest, he might: he did not book them to him, and he returned four the week after. It turned out, the rest were not returned till after Hardy was ap-

prehended; he had not called for them before. He had sold one to Billington, and one to Groves: he had them from Scofield and Company, in Sheffield. He says, that he had dealt with another person in Sheffield, but that they had riders who called and shewed him this knife, and so he ordered this parcel: they are to be had in the Strand, and in other places. He says, he does not know how Hardy came to know he had them. He says, he was eating his supper with one of these knives in Compton Street, after the Chalk Farm meeting, and there was an observation made upon them that they were a very useful knife. He said, he used such a knife as this seven years ago. This is upon the cross-examination. He has twenty of the three dozen left; most cutlers' shops have them. As to Groves, he came to purchase a knife, and he remarked the utility of the knife. He did not tell Groves he had sold two or three hundred of them; that he might say it was a saleable article, not choosing to discourage the sale of his own goods. He did not say his wife was a damned aristocrat, he did not use such an expression; he did not desire Groves to speak low. They were open in a glass case for sale. He did not keep them to sell to mischievous people---he does not remember a word about mentioning either his wife or aristocrat---he never wished to keep that circumstance from his wife that he sold these knives.

Now here is undoubtedly a flat contradiction between this witness and Groves. They are both the witnesses called on the part of the Crown: they certainly put you under a dilemma, which makes it difficult for you to judge that Groves is a person that is entitled to credit for what he has said; at the same time though contradicted in this particular, as he is not contradicted in other particulars, where witnesses might have been called to have contradicted him, is a circumstance for your consideration. I am not at all inclined to desire you to give more credit when he is contradicted in one particular, than you think he is entitled to upon the whole.

The next witness is Edward Hodson, a printer; he declines answering whether he printed a paper which was shewn to him; but allows that one Hodgson brought him a copy to print respecting the ins and outs. (See page 97, of this volume.) He says he has not any reason to think they had any thing but a reform of Parliament in view, that they meant to attack the King, or displace the Lords; he would not have continued in the society a moment longer, if he had supposed any such thing; he says that upon Hardy and Adams being taken up, and reports being in circulation, that, under pretence of reform, they had other objects, he left them. He said, he understood the Convention was not a thing determined upon; that they were to take the advice of the societies in the country whether they were to assemble a Convention: he said there was no idea of making laws, or introducing

roducing the anarchy of France into England; he says, he has read the resolutions at Chalk Farm; that he had seen the printed account of the proceedings of the 20th of January; he did not know of their having any thing to do with the works of Paine; that several people applied to him to print the proceedings at Chalk Farm.

The next witness is from Edinburgh, George Ross, a member of the society of the Friends of the People in Edinburgh, and a member of the British Convention. In the end of November, or the beginning of December last, there were delegates from the other societies in Scotland to the British Convention in Edinburgh: he received some papers from Mr. Stock at Edinburgh, a member of a society of the same nature, and sent several of them into the country: he sent some to Perth to Mr. Miller, one to Strathaven, one to Paisley; he is not certain if he sent one to Dundee; he cannot be certain whether he was present at the vote of union in the Convention, when they extended their hands; he remembers the fact of their disputation; he says the circular letter which has been produced, is the paper that was sent by him into different parts of the country.

Upon his cross-examination he says, that his only object was a reform in the House of Commons; he never thought there was an intention to attack the King or House of Lords; they did not at all consider themselves as a Parliament, and he thought the proper means was petitioning; he conceived no other intent; there was nothing said against the King that he heard. He says, it would have been foolish enough for them to attempt to bind the people. The British Convention consisted of about 200 people; that they had no arms to attack the magistracy, no means of resistance. He says, they had nothing illegal in their thoughts; if he had thought the meeting had been illegal, he would not have joined; or if he had thought it dangerous to the King, he would not have done it. All the societies were on the same ground; that they were most of them people of good character, people of sober lives and morals. He says, he does not recollect being present at a particular resolution which was read to him. He says, he thinks he was present at the resolution about the Habeas Corpus Act, and that they were to meet at the place appointed by a Secret Committee; that, as he understood, it was for a new Convention, to petition Parliament; he would not have agreed to it upon any other terms; and they were to specify a particular plan of reform.

Arthur M'Ewen says, he lives at the Water of Leith. He says, he remembers the committee of which Watt was a member. Besides the Committee of Union, there was another committee, a Sub-committee of Ways and Means---Mr. Stock, Mr. Brooke, Mr. Aitcheson, Mr. Waldron, Mr. Downie, Mr. Watt, and himself, were members of that committee, including the affairs
of

of Mr. Skirving. He says, he never saw the letter enquired after; that Watt read a plan to them to seize the Lord Justice Clerk of Scotland, and the rest of the Lords of Council and Session, and the Lord Provost of Edinburgh; to kindle a fire at the Excise-office, in the New Town; that parties should be stationed in the street, to intercept the soldiers as they came down from the Castle, and the fire was to draw the military from the Castle, and, coming to a point, they were to inclose them between two fires; they were to be inclosed by two parties in these different stations; that two parties were to seize the different banking-houses in Edinburgh, and commissioners were to be appointed to go and demand the cash from the banks. He did not know who was to execute this. The witness said, he objected to all this, and said he would not agree to any thing that should disturb the peace, or shed the blood of his countrymen. Mr. Waldron agreed with him, and no further communication was made at that time. He says, at another time, Watt proposed a plan that there should be a proclamation, prohibiting all farmers that dealt in corn, hay, and grain, to remove the same from their respective places of abode, upon pain of death; and then there was to be an order that the King and his Ministers should put an end to the bloody war, or abide by the consequences. The copy of this address was to be sent off to the King, the morning after the attack. He said, these things did not belong to the cause of reform, and he would have nothing to do with them. That Watt bespoke some pikes of Orrock, a smith. Watt said, one that he had sketched upon a board would do. He bade him work hard, for he had four thousand to send to Perth, besides what he had to distribute about Edinburgh. Mr. Stock was of the committee, and said he was going to London or Bristol, and would wait on Mr. Hardy, by the desire of Watt, with whom he wished to correspond in a safe manner. By the desire of Watt, Stock took this letter, and promised he would do every thing in his power to establish a correspondence. Stock took a slip of paper, and gave him a token, which he considered as a secure mode of correspondence. The letter was signifying, that the aristocrats were doing so and so, and the democrats were doing so and so. He was to call again, but he saw him no more.

Upon his cross-examination he says, that the society to which he belonged consisted of about 20; that he attended the Convention several times; that they met of a night to obtain a parliamentary reform by petition, and that it was to come under consideration the night of the dispersion. Upon that, there was a scroll of a petition brought forward; they put a negative upon it, in a certain way, by calling for the order of the day. So that in that story of his he must be mistaken. He says, it was to come under consideration the night of the dispersion---that there were near 200 members---they had no arms, and he had never
heard

heard of an intention to use force; universal suffrage, and annual or triennial Parliaments, was their object---there was nothing said touching the King or Lords. He was then asked for what purpose that Committee of Union was formed; he says, he cannot undertake to say what that Committee of Union was formed for; he never was in it but that night when Skirving's letter was read, at the time of meeting, and he was appointed a member of the Committee of Union, when a Sub-committee was formed. He says, he heard the delegates were to have another Convention, of the time and place of meeting of which they were to get information from the societies.

The next witness is William Middleton. He says, he searched the houses of Watt and Orrock on the 15th of May, where he found a number of pikes finished and unfinished; but nothing turns on that.

Gentlemen, this is the evidence they give of a conspiracy breaking out in Scotland after the dispersion of the Convention, which Mr. Attorney General makes a part of this general plan in this country---that by possibility, Hardy's circular letter, or some other of Hardy's publications, or of the Sheffield society, or the Constitutional Society, might have excited this, is certainly true, and therefore the evidence could not be rejected; but as to the bringing home to Hardy that he was implicated in this conspiracy, it does not appear to me to go to that length, for all the conversation about the letter, of carrying a letter to Hardy by Stock, comes to nothing; Hardy never had that letter. Upon the whole, therefore, it does rather seem to have been something that had broke out in consequence of the pains that have been taken in general throughout the country to irritate it; but I cannot see any thing to suppose that Hardy could possibly be concerned in this part of the conspiracy, or knew any thing at all about it.

The next witness is John Shaw. He produced papers found upon Thelwall and upon Martin, and these papers are of Martin's hand-writing, one copy of which is found in Martin's possession, and another copy in Thelwall's, on the 13th of May, after Hardy was apprehended; but they become evidence even in this case against Hardy, from the circumstance of their having been proved by two witnesses to have been in Martin's possession before Hardy was apprehended; they therefore were papers existing before his apprehension. This paper purports to be the project of resolutions for the meeting at Chalk Farm; they differ essentially from the resolutions that were there agreed to, and appear to be of a more direct violent cast than those resolutions were, because they point out immediately to the person of the King---it is proper you should hear that paper now read.

(Read by the Clerk of the Court.) See page 126 of this volume.

The

The resolution that affects my mind most, is the last---
 "Resolved, That it is the right and bounden duty of the people
 to punish all traitors against the nation, and that the following
 words are now not a part of the oath of allegiance, to wit---
 'I declare it is not lawful, on any pretence whatever, to take
 arms against the King.'---What is conveyed by that, is too
 apparent.

A more dangerous, and a more treasonable paper, was hardly
 ever seen. Of this paper I have to remark, there is no evidence
 which brings it home directly to the prisoner Hardy, but the
 evidence states this---that it is manifestly a draft of a resolution,
 which, in the mind of the drawer, was intended for a resolution
 of the London Corresponding Society, assembled at that time,
 the 14th of April, 1794. Upon that 14th of April, the Chalk
 Farm resolutions were promulgated; the paper was found upon
 Thelwall and Martin, who were taking an active part at that
 meeting; and such a paper found upon Thelwall and Martin go
 but too plainly to shew what was floating in the minds of these
 men---that some very dangerous designs were conceived by some
 of them, and intended to be brought forward by some people,
 but by which of them there is no direct evidence---that you
 can only guess at. You know, that of those who transacted the
 business of this society, Hardy was a principal one; you will
 judge whether that convinces you that he had any thing to do
 with this, or whether it has nothing to do but with the person
 upon whom it was found; that is matter for your consideration:
 but it certainly shews that, in the minds of these persons, there
 was danger in the most alarming degree of violence, that one
 can hardly venture to contemplate---a degree of wickedness one
 can hardly suppose possible.

Gentlemen, with this evidence, the proof on the part of the
 prosecution closes---I will now, therefore, state to you the evi-
 dence on the part of the prisoner.

Lorriman Goddard is the first witness. He says, he is a mem-
 ber of the London Corresponding Society, his division was
 No. 2, the same as Hardy's. He says, he attended very regu-
 larly---he does not know that he missed a night for two years.
 He says, he ceased to be a member when Hardy was taken up;
 that Hardy was rarely absent---hardly ever absent; that he hardly
 ever missed calling on Hardy on a Sunday; that he was a re-
 markable peaceable man, and friendly to all; that when the
 meetings were dispersed, he desired that they would not even
 bring a stick with them; that his objects were a parliamentary
 reform in the House of Commons; that it was no part of their
 view to make any alteration in the House of Lords; he had no
 views as to the Crown. He says, that he had several conversa-
 tions with Hardy on political subjects; that curiosity led him to
 ask

ask him a number of questions; that he had no reason to believe he had different views from him. He says, he never heard of the letter about the pikes. He says, his brother introduced him, and that he was at the Globe Tavern and at Chalk Farm; that every thing was very peaceable; that there were some resolutions in print, and that the paper contained a correct account of what passed. He thought all that was transacted at both places was agreeable to the law of the land; he knew that the society sent delegates to the Scotch Convention, but that he himself was not in office. He says, he has heard of a Secret Committee; he never heard who they were; he does not think that the body knew who the Secret Committee were; he knew nothing of their proceedings, nor did he choose to attend after Hardy was taken up. Mr. Margarot and Mr. Gerald were the delegates to the Scotch Convention. He was in the society two years within a month, but not before the 6th of August, 1792. He says, he heard of a circular letter, which went to Scotland, for calling another Convention; he does not know how it got there; he heard of this at his division; that this was to call a Convention; that there might be songs after dinner, but songs were not in general introduced; he has heard of the song, "God save the Rights of Man." He has seen the song, "Plant, plant the Tree," but never heard it sung. A man used to attend the society with a pack of idle songs; they had all Mr. Thelwall's songs, which he did not think there was any harm in; three of his songs were printed on one sheet of paper; he cannot recollect the title.---The only observation that occurs to me upon this evidence is, the distance at which he seems to have been kept from all knowledge of what was doing: there was a Secret Committee, and the Secret Committee seems to have managed every thing that related to all the material concerns of the society; and it is remarkable, that this person connected with Hardy did not know any thing with regard to the circumstance of the pikes: whether that happened by accident, or there was any reason for not letting him into the business of the pikes, is a good deal uncertain. Upon this business, it is certain, other persons were acquainted with it; and it is not easy to see why he should not have been made acquainted with it.

Francis Dowling says, he was a member of the London Corresponding Society; that their object was a parliamentary reform in the House of Commons, and they had no other object; they had no thoughts against the King or House of Lords; they had no idea of opposing the government by force; that it was quite the contrary, or any intention against any thing beyond reform. The object of the Convention, he says, was to get the sense of the delegates from the different divisions, to obtain a reform in the House of Commons, and there was no intention of proceeding by force in any member of the society. He says, that

he was two years and an half in the division, and never saw or heard of the letter from Sheffield about pikes. He says, he was at this society from the commencement. He dined at the Crown and Anchor the 2d of May; there was some music, but he does not know what it was. He was at Chalk Farm; he saw the resolutions at the Globe Tavern; he does not know what they were; he was once a delegate for six months; he knew Spence's shop, and has bought pamphlets of Spence; has been at Franklow's; he had never seen any exercising at Franklow's, nor had he heard of Edwards's pike, or Hillier's; he had heard of their exercising; he has heard of a Committee of Correspondence---if there was one, it was voted by ballot. He knows Hodgson the hatter, but he never knew of a second Secret Committee appointed after the apprehension of Hardy; he knew nothing of a Secret Committee in Academy Court; he knows Smith; he never heard of the Guillotine, and he never heard of the Sheffield letter, till he saw it in the report; he never heard of the order to stick bills up in the night; he did not conceive it any thing criminal in sticking up a bill---it depended upon the contents of it. He says, he did not hear all the contents of the resolutions. The tenor of the conduct of the people, he says, was peaceable, at Chalk Farm. He says, he voted without hearing distinctly, but that others attended more, and that he voted because others did;---the way in which the majority of this assembly, I dare say, was very often obtained.

Alexander Wills says, he was a member of the London Corresponding Society between two and three years, which met in order to obtain a reform in the House of Commons---full of respect, and honour, and fidelity to the King; he never had reason to think others intended otherwise---never, to his knowledge, was it intended to do any thing by force---that he would not have continued in the society, if they had had any intention of doing any thing by force---he never heard of any such intention, till he saw it in the reports of the Secret Committee. He says, the prisoner Hardy is the most amiable character, from all he had heard.

Upon his cross-examination he says, as to himself, he is a dancing-master. He became a member of the London Corresponding Society, he says, soon after he became a member of the Constitutional Society. He wished to hear clever men---he took his rule of politics from the newspapers---he did not hear any subject but politics discussed---he did not constantly attend their meetings---he was but little acquainted with their proceedings---he did not see the books---he never knew any body prosecuted for assisting them in their views---he may have given a shilling, or two, or five, or two guineas, or five guineas, to assist Carter. He says, he often gives five guineas, and does not know who he gives it to: he was pressed upon that, and said, he spoke by way

way of metaphor; at last, he says, he never did give guineas---he did give a few shillings. He says, he is not sure that he gave more than that: he says, he never heard of the Secret Committee, nor of a Committee of Correspondence. I think, notwithstanding that strange flourish of his concerning the five guineas and five shillings, at least, that there was no harm in this witness.

The next witness, Archibald Hunter, was then called. He says, he knew Hardy---he was of his division---his object was a parliamentary reform---he never understood any thing else, in the Commons' House---the King and the House of Lords to remain as they were---he never heard of force, but from the Reports---there was no intention to attack the government of the country---that Hardy is a peaceable, respectable, quiet man. Hardy never produced any letter at the division about pikes, nor communicated any such letter. He says, he continues a member of the society---he was introduced by a relation, Joseph Hunter---he does not attend regularly, being frequently out of town. He says, he was at Chalk Farm, and at the Globe Tavern---he understood their proceedings were peaceable---he heard the resolutions read, but did not attend to them, from the inattention that pervades his whole conduct---he could not keep his attention to hear what it was that was voted. He says, he was at No. 3, Compton Street, and Thelwall was there---he supped there; he says, it is so long ago since he followed any business, he cannot recollect what he was; at last, he acknowledges he was a perfumer and hair-dresser twelve years ago. He says, his money is sometimes in his pocket, sometimes in the stocks, and sometimes in houses. What you can make of the evidence of this extraordinary witness, I do not know---he is one of the most extraordinary witnesses I ever heard.

The next witness is Alexander Fraser. He says, he is a tailor; he says, he has been a member of the London Corresponding Society about ten months---that he ceased to be a member in April, a twelvemonth ago. He says, he meant parliamentary reform in the House of Commons---he had no intention respecting the King or the House of Lords.

The next witness is William Barclay. He says, he is no member---he has known the prisoner fifteen years---bears a very good character---he is of a peaceable, orderly disposition, and a very honest man.

The next witness is Thomas Oliver, a dissenting minister. He says, he is no member of the society; he says, he has known this man four years; he says, he shewed him a paper containing some resolutions about reform, and he asked him as to the object of their meeting, and he said; it was a parliamentary reform, in a peaceable and constitutional manner: he says, it was upon the same plan the Duke of Richmond proposed in the year 1782;

he says, he frequently tried to suck out of him what his intent was; and first he said, he had done this since the report---but that could not be, because he has been in custody ever since. He admits it was somewhere about May or June: he says, he was in the habit of calling upon him; that he was of a peaceable disposition, of few words, an humble, honest, sincere, and good Christian; and, he says, he fears God and honours the King. He never saw the Chalk Farm nor the Globe Tavern resolutions. He says, Mr. Hardy once mentioned the name of a Mr. Bogue; he says, he does not attend much to these things, having the employment of preaching four sermons in a week; he says, he has heard conversations upon politics, relative to parliamentary reform.

The next witness is Daniel Stewart, secretary to the Committee of the Society of the Friends of the People in Frith Street. He says, that in December, 1792, the London Corresponding Society sent a letter to the Friends of the People; the witness carried the answer himself, and this introduced a conversation with Mr. Hardy; that he understood from the conversation that his whole object was a reform in the House of Commons; that he meant to inform the people of the bad state they were in, and by petitions and a great number of signatures to obtain his point. He says, he called once or twice a week, out of curiosity, to know what they were doing, and he talked with him very frequently; he says, he never varied, he was always for the Duke of Richmond's plan. They never agreed in opinion. He always thought Mr. Hardy a simple inoffensive man, the last man to be guilty of violence---he never heard that he had a disposition to use any violent measures.

Upon his cross-examination he said, that he did not know that Hardy was an associated member of the Constitutional Society. That the Friends of the People had declined all intercourse with that Society. The correspondence between his society and the society at Sheffield, was in the month of May, 1792. He cannot say that he saw the address of the 6th of August, 1792; he did see the address of the 20th of January, 1794, and saw the proceedings at Chalk Farm; and he says, that they enquired what length the Friends of the People meant to go, and they declined answering. A list of the Friends of the People was shewn him, and he says, there was no intercourse between the Friends of the People and the Constitutional Society, there were some of them who were members of both.

The next witness is John Carr. He says, he has known the prisoner for twenty years, and he gives him the character of a decent, sober, honest man.

The next is John Stevenson. He says, he has known him for the last eight or nine years. He was of an extremely mild, peaceable disposition; he knows no man that goes beyond him.

Alexander

Alexander Gregg, bookbinder, says he has known him seven years; that he is a very peaceable, orderly, sober, religious man; that is his general character.

William Henderson, a dealer in eggs, says he has known him near twenty years; he has been intimately acquainted with him twelve years, and says he is a sober, honest, good man.

Mr. Stevens, a minister, says he has known him ever since he came to London, which is seven years; he has attended his congregation during that time; and he says he was a respectable character; his moral conduct was good, and, as far as he knows of him, that he is a man of conscience both towards God and man.

Peter Macbean says that he has known Mr. Hardy seventeen years; he is a peaceable, quiet, well-disposed man. That the witness had been a member of the society, but had ceased to be one. He has been at Hardy's division, No. 2. He remembers no resolution about Paine's Rights of Man; he remembers their writing to the Constitutional Society; he met with them at the Bell, Exeter Street, when the society was not formed; he says Margarot was peaceable, as far as he knew, but he was but little acquainted with him. Hardy was one of those that met, and there was one Blake, and several others; that there were thirty or forty at the least; that he was not there at first; that they had met two or three weeks before he came; that there were no clergymen or physicians among them; the first time he came, there might be twenty; Mr. Margarot was the principal person in forming the original laws of the society.

Alexander Gordon says he has known him twenty years; he says he was a sober, honest, industrious, peaceable man.

John Bogue, cabinet-maker, says he has known him ten years; he says he is a sober, honest, peaceable, industrious man; that he belonged to the society, but quitted it two years ago.

Matthew Dickie, a Scotch factor, says he has known Hardy five years; that his character has been strictly honest, and he has had intercourse of business, but only of business.

James Hardy, who is not related to him, has known him from 1779; says nothing of him, but giving him the best of characters; they then call Mr. King, and the purpose for which they call him is, to shew a letter inclosed to Hardy in Davison's letter; which Davison's letter proposed a plan to Hardy to furnish pikes from Sheffield; that letter was written to a society at Norwich, and sent inclosed; Mr. King was not able to speak exactly to it; he does recollect the circumstance of a letter being found; and he cannot undertake to say whether it was opened or not.

David Martin, of Sheffield, says he was a member of the society there for a reform in the Commons' House of Parliament, by legal and constitutional means: he says, it was not his object, and he has no reason to believe that the object of other persons

was

was different from his own; he had not the least distant idea of doing any thing by force: he says he was a member of the society at the time they corresponded with Scotland, when the Sheffield Society sent their delegate: the object, he says, they hoped to effect, was that their co-operation would induce the Parliament to grant a reform, by a petition to Parliament. He says, it was not in their contemplation to contrive to affect it by force---there was no intention to affect the King's person or majesty, or to touch the Lords. He says, he was at the Castle Hill; there was a Committee chosen; Gales was an active man, and he believes he is not now at Sheffield. The witness was made an associated member of the Constitutional Society in 1792. He has heard of the proceedings of the Scotch Convention in the Gazetteer of Edinburgh; and that he did not approve of the part which related to a Secret Committee. He says, being the outside of the people, he did not hear the resolutions at the Castle Hill. He says, had he heard the resolution to petition Parliament no more, he might, perhaps, have disapproved of it. Yorke and he had not exactly the same opinion of the plan of reform. He says, he did not know who the editors of the Patriot were. He says, that Brown was a delegate to the Scotch Convention. There were letters between their society and the society at Stockport, and he thought they were peaceably disposed. He says, their society had a letter from the society at Stockport. He proves Brown's hand to a letter. He says, he was not in the secret that the motion for a petition to Parliament, which Broomhead made at the Sheffield meeting, was to be negatived---that the intention was not to petition at present the House of Commons. There was no authority, he says, given by the society to Brown to act in any way but what was legal. He admits that he has read Mr. Yorke's speech.

Edward Oakes, a plater at Sheffield, says, he has been a member of the society since November---that he attended the meeting. His object was, to obtain by lawful and constitutional means, in co-operation with the rest of his brethren, a reform in Parliament. He thought that the petitions would be heard when made by large bodies---that they would be more likely to impress Parliament---that it never was their object to pursue force, if it had he would not have remained among them. He never understood that the society as a body, nor the individual members, had any object but that of reform in the House of Commons, and that by petition. He was at the Castle Hill, but he does not know the form of the resolutions. He says, he was at the society when the proposition was made for sending a delegate to the Convention in Scotland, but he does not know whether the proposition of sending a delegate came from Scotland, or from themselves. He says, the object of sending Brown as a delegate was to have the proper measures considered of to obtain a reform.

He

He says, Brown was to express their sense, and find out the proper way of addressing Parliament in a constitutional way, which might not altogether be thought of by us; those persons appeared to be more capable of judging of the more effectual way of addressing Parliament than ourselves. That they had nothing in contemplation against the King's person, office, or life; he does not particularly recollect that any thing was said about the Lords. He remembers the pikes; that the society had great apprehension of danger; he had been threatened and ill used by the opposite party and individuals, who took authority they had no right to do: this was complained of. That nothing was agitated to arm as a body, if there was he should have known it. He says, he was a member of the Committee; he does not know that there were members associated to the London Corresponding Society; he rather believes not; he did not constantly attend the Committee, and the Committee did not regularly enter their proceedings, which were kept by Broomhead. He knows Samuel Ashton; he corresponded with the society in London for their society; he has seen a letter written by Ashton, but did not attend to his writing; the letters that were sent were not altogether known to the society at large, the body trusting to the Committee to transact the business, as they knew their views; that there was a report sometimes made, but at no fixed times; that he don't recollect any report of the proceedings about the 14th of March, 1792. He says, Paine's Rights of Man were to have been introduced into the society before they were proved to be a libel. He does not know that the letter of the 14th of March, 1792, to Mr. Adams, was sent, which speaks, I think, of Mr. Horne Tooke referring the Constitutional Society to him. Two letters were read, one of them partly by mistake, and one of the letters is inclosed to Mr. Hardy, in answer to a letter from him, to know what they were doing; the other is a letter of the same date: he admitted that letter to be Ashton's, and signed by him.

(Read by the Clerk of the Court.)

See p. 259, of this volume.

He says, he never read this; he does not know it was ever communicated. He says, he heard Yorke's speech at the Castle Hill; he says, Gales's Register came to him, which might contain extracts from the Patriot.

Then there are resolutions shewn to him, thanking Paine for his two publications, the First and Second Parts of the Rights of Man. He believes these resolutions were circulated in Sheffield, and the books were circulated in the field; they were sent to several persons in town and country, and by some of the members of this society; probably the number of the members might be 200; the number mentioned in these papers, 2000, might mean the meeting. He says, he expected, that if there was any corruption

corruption in the House of Lords, the reformation there would follow of course, from reforming the House of Commons. The witness says, there was no concealment that he knows of.

Mr. Daniel Stewart was called in again, and says, that they had letters from the Sheffield Society, signed Ashton, to the Friends of the People, of the 14th of May, 1792. The Friends of the People published their Declaration upon the 11th of April, and proceedings, which were signed by Charles Gray, George Rose, Esq.

(The Declaration of the Friends of the People, dated 11th of April, 1792, was read.) See p. 265, of this volume.

Gentlemen, I believe it will be also necessary that the letter and answer should be read.

(The letter from Sheffield to the Friends of the People, dated the 14th of May, 1792, was read by the Clerk of the Court, as follows :

“ Signed Samuel Ashton, directed to the Chairman of the Friends of the People, at Frith Street, Soho.” (See Appendix.)

(A letter also was read from Sheffield, dated the 26th of May, 1792, in answer to the above, for which also see Appendix.)

The witness said, he never heard of this letter of the 26th of May to the Constitutional Society, and thinks he did not know that any members of the Sheffield Society were associated with the Constitutional Society. He is asked, as to some gentlemen having left, and other members having been added to that society; he is asked too, whether Lord Daer, who was a member of the Edinburgh Convention, was expelled from that society---he says, he is still a member. That is pretty nearly the substance of what he said.

William Dewinap, a razor-maker, says, he was a member of the Sheffield Society; that they went upon the plan of the Duke of Richmond. He says, they had only one end in their view, and believes now that it is so; he would not have belonged to the society, if their object had been to attack the King or the constitution, or if it had been to accomplish their object by force; he understood, that the delegates in Scotland were to associate together, to draw up such papers to be presented to the government, as they should think most conducive to obtain a reform in the Commons' House of Parliament; Mr. Brown had no other authority from them; he has heard people speak of ill treatment in the society; that there were inflammatory letters from one Russell; that he is, however, almost a stranger to the pike business: as to the general object, if it had been to provide arms, it must have been known to him; the question to provide arms was never agitated in the Committee or Society; he never heard of any design to attempt to touch the government; he had no such object himself, and he has a reasonable hope, that the

the society had not; the society published the Duke of Richmond's letter, to inform the society at large what principles they went upon, and that they strictly adhered to it.

Upon his cross-examination he says, they meant to adhere to petitioning Parliament---that was negatived upon the Castle Hill; that he heard no voice in the affirmative; he remained a member in the society, and he believed every body else did after that; he did not know who was the editor of the Patriot; he did not know of the contrivance to have the vote for the petition negatived, and yet Broomhead had been his neighbour for 14 years. He said, there was a talk of petitioning his Majesty, but he says, no petition was prepared that he knows of; he says, he could form no judgement, whether a letter that was shewn to him was Ashton's hand-writing or not.

Edward Smith, a cutler, a member of the society in 1791, says, his object in being a member of it was, to obtain a reform in Parliament, upon the Duke of Richmond's plan: he understood, by the rights of man, in their letter, an equal representation in Parliament, in the House of Commons; he never heard, in their society, they had any intention of doing any thing against the prerogative, or against the person of the King---much the other way; there was nothing in their intention to touch the dignity of the House of Lords; he meant, as he strangely expresses it, the glorious accounts of 1688; he said he knew nothing of force, nothing of arms, till the hand-bill had marked it; that on any good news happening, they used to fire pistols into their houses, in order to provoke this conduct; there were no regular arms, but if they were determined to arm, Sheffield could have furnished, in one day, pikes for 10,000 men; but they never were provided.

Upon his cross-examination he said, he thought it necessary to provide arms for his own defence; he did not know how many did, and he made no application to any magistrate; it was put in the Register, that is a public paper, at Sheffield, that they had ordered their people to assist the magistrate; the advice was, to arm against domestic enemies and foreign invaders; and that being the substance of the hand-bill, they adopted similar words; that by equal representation, it was meant, that every man should have his vote; that he had read Paine's Rights of Man; he had seen both the cheap copies, and the large copies; he had one of the cheap copies by a subscription; there were many that had it, but they seldom read them to the societies; they read them at their own houses; they also had other cheap publications, which, he says, he has read. He says, he was not at the meeting which approved of Paine's works; he never took into consideration his notions of monarchy; he agreed with them only so far as they respected parliamentary reform; he understood he was

advising something that pointed out disaffection to the King; he says, he has seen Yorke; he says, he was at the Castle Hill; he says, he cannot say that he saw the movers of the petition hold up their hands; he never heard of the address from the society to the National Convention of France.

His Grace the Duke of Richmond was then called, in order to identify a paper which purported to be his Grace's plan for reform in Parliament: he could not identify that paper, but produced a paper, purporting to be a letter to Colonel Sharman, containing that plan, and that letter was read; the plan was a plan of universal suffrage and annual Parliaments; and it stated the remedy, and that the way to obtain it would be by the people; it did not expressly name a Convention of the People, but undoubtedly said enough to put that expedient into the heads of those who were eager for such a plan.

Mr. Stuart was then called again. He said, he had heard Mr. Hardy state his plan to be universal suffrage and annual Parliaments; he always objected to it, but that it was always Hardy's opinion. He says, he always adhered to the Duke of Richmond's plan; he says, he went to sup once with him---he found him a social, civil, sincere, simple, honest man, but did not know he was an associated member of the Constitutional Society.

Mr. Stirling produced the minutes of the Scotch Borough Convention.

Mr. Strutt, of Derby, said, he belonged to a society there; that a reform in the Commons' House of Parliament was the object of that society. He says, their society has not met once since the petitions were rejected.

Mr. Sheridan was then called. He says, it was his intention to bring forward a motion, the object of which was similar to that which was adopted in the last session of Parliament---to propose a Committee, to enquire into the proceedings of these societies; that he conversed with a gentleman, who stated his knowledge of Mr. Hardy, as being capable of giving him information: upon that account he sent to Mr. Hardy, who came, and he conversed with him. He said, that Mr. Hardy stated their whole object to be a parliamentary reform, by peaceable means, upon the Duke of Richmond's plan; and he was willing to give him a list of all the private places where they met, and offered him all the assistance in his power, to give him a sight of all the correspondence, and to produce all his papers, and to lay them before Parliament, in any manner that he should think fit. He was then asked, whether he was not an original member of the Constitutional Society---he says, he was, and that he had not attended since the year 1783; he was asked afterwards, whether Mr. Hardy offered him all the books or papers---he said,

said, he could not be sure whether Mr. Hardy said books or papers.

Mr. Francis was then called, who says, he saw Mr. Hardy twice---once at his own house, and afterwards at Mr. Francis's house. The society thanked Mr. Francis for a speech he had made in Parliament in 1793, and had expressed a desire that it should be printed: upon that occasion, he saw Mr. Hardy---before that time, Mr. Hardy had been sent to desire him to present a petition to Parliament upon the subject of parliamentary reform, and he desired that the delegates might be admitted to him, and he saw them, and he told them, he objected to the prayer of the petition, which was for universal representation, according to the Duke of Richmond's plan. He says, that Mr. Hardy seemed an extremely remarkable quiet and easy man; Mr. Margarot, he said, was the spokesman; that he said in support of it, that they only followed the plan of the Duke of Richmond. He says, I told them, the prayer of the petition should have been expressed in general terms, and they should have left the remedy open to the wisdom of the House: they said, they were very sorry they had not known of the objection sooner---that they could not alter it, because it was signed by many thousands, and the petition must be presented on the 6th of May, because Mr. Grey had given notice of a motion for a reform in Parliament. He says, they did not declare they would not accept any thing else, but they appeared to him to adhere to universal representation, though they would give up the form of the prayer: then there is a little puzzle about the letter which had been written to Mr. Francis, and his answer; they thanked him for what he had said on a radical reform, on a broad basis. He says, that was not the tenor of his speech, and he thought they were very much mistaken upon the point, though he did not think it necessary to enter into argument with them.

Lord Lauderdale is then called, who says, that he was applied to to be a delegate for the Society of the Friends of the People in Portborough, in the neighbourhood of Edinburgh, but he declined it; that he saw Mr. Skirving upon that occasion, and supposes the application was made to him in consequence of the conversation with Mr. Skirving: Mr. Skirving had represented, that they wished to have men of education, that they might be prevented from falling into absurdities, which they should otherwise be liable to fall into. He says, he had no idea that any thing more was meant than annual Parliaments and universal suffrage; he heard nothing of force; he was asked, if he had heard any thing of Mr. Skirving's letter to Hardy, in the month of July, 1793, which is a remarkable letter---he says, he had not heard of that letter.

Gentlemen,

Gentlemen, this is the whole of the evidence; and if the day was not so much exhausted, and my own strength, I should be glad to go on, and say what I have to say to you on this subject; but I foresee it must run into a great length; and therefore, I believe, I must trouble you to attend to-morrow morning--- then I hope, in a few hours, to dismiss you.

The Court adjourned, at half after eleven o'clock, till Wednesday morning, nine o'clock,

[*End of the Seventh Day.*]

WEDNESDAY

WEDNESDAY MORNING, NOVEMBER 5, 1794.

THE Court met at nine o'clock, pursuant to adjournment.

PRESENT,

LORD CHIEF JUSTICE EYRE, LORD PRESIDENT,

LORD CHIEF BARON,
BARON HOTHAM,

| MR. JUSTICE BULLER,
| MR. JUSTICE GROSE.

CONTINUATION OF LORD CHIEF JUSTICE EYRE'S
CHARGE TO THE JURY.

Gentlemen of the Jury,

Last night, at a late hour, I finished summing up the parole evidence, and so much of the written evidence as seemed to me to be more immediately connected with the parole evidence on both sides, except, that I did not state to you the Protest of the House of Lords, which was read to you by the consent of the Attorney General, as evidence on the part of the prisoner. I did not state it to you at that time, because it did not appear to me, from the nature of the case, to be evidence. It is something that has passed in the parliamentary history of this country, from whence arguments might be drawn, on the part of the prisoner, to evidence the purity and honesty of his intentions; and it is in that view only that I mention it; and the little notice that I shall think proper to take of it, will be rather in that part of the case where I am inclined particularly to observe on what has been urged on the part of the prisoner.

Having thus finished the summing-up of the evidence, I may say to you, that this cause, which is a great and momentous cause between the King and the prisoner at the bar, is at length brought to a point of conclusion; and it must be a satisfaction to the mind of every honest man, that this cause has been happily so conducted, and has been proceeded upon with so much patience and temper, that there is a reasonable prospect that your minds have been sufficiently informed upon this great subject; and if it was possible to discover the true merits of a case which requires long and laborious investigation, there is a reasonable prospect and hope that your minds may have been sufficiently informed on this subject to enable you to pronounce a verdict, which will be satisfactory to your own minds, in the first place; and being satisfactory to your own minds, cannot but be satisfactory to the country.

Gentlemen,

Gentlemen, it is as much satisfaction to me as I can feel in the exercise of so painful a duty as that which has been imposed upon me, that upon this occasion there is, I think, no possible chance of our being entangled in any difficulties in point of law; the verdict in this case will not proceed, and you will receive no directions from me that it ought to proceed, upon any narrow or technical ground. The overt act is in substance, that the prisoner at the bar, and those that have been concerned with him, have conspired to depose the King, to subvert the monarchy, which includes deposing the King, and this is charged to be, and has always been considered, as an overt act of the treason of compassing the death of the King; it is indeed a known presumption of law, acknowledged by every writer upon the law, and by those writers in particular, every one of them whose names have been mentioned to you at the bar, that he who conspires to depose the King, compasses and imagines the death of the King; and there is no question whether the compassing and imagining the death of the King was the primary intent conceived in the mind previous to the conspiracy to depose; and as a conspiracy to depose must necessarily, and in the nature of things, be subsequent to the conspiracy to compass and imagine--- I say it is not to be put to you, that the compassing and imagining the death of the King is to be proved to have been a conception in the mind prior to the conception of deposing the King: the deposing the King evidences the necessity of conspiracy to compass and imagine his death; it is a presumption of law, but it is a presumption of law only, because it is such a necessary and violent presumption of facts, that it is quite impossible to have a doubt upon it. Who can doubt that the natural person of the King is immediately attacked and attempted, by him who attempts to depose him?

Gentlemen, I will waste no time in the discussing of such a question. Many hours were spent at the bar in the discussion, but on the part of the prisoner it was manifest, that after the discussion had been made, the fact broke down under the discussion, and it became impossible for either of the Gentlemen to set their faces distinctly to the proposition, that any honest man ought to doubt---whether he, who conspired to depose the King, has conspired to compass his death.

Gentlemen, you will therefore proceed to the examination of the fact; and I am most cordially disposed to agree with the Counsel for the prisoner, that if he is this day to be convicted, if he is provably attainted, in the strict sense of that word, that to convict the prisoner, the proof must be plain and convincing. I avoid to use the word direct, lest I should entangle you in a difficulty, whether sufficient proof could result from a chain of convincing circumstances, the result of which would leave no doubt in your minds. The law of the land is perfectly clear,

clear, that such a course of evidence is as legal, and that such a course of evidence ought to be considered as satisfactory, as the most direct proof that can be offered.

Gentlemen, the short state of the question of fact now may be stated to you to be this---whether the prisoner, and the other persons supposed to be concerned with him, have conspired to subvert the monarchy, and whether they have set on foot this project of a Convention of the People in order to effect it.

Gentlemen, I have employed a part of that time which it was necessary enough for me to have devoted to sleep, if I could spare it, in endeavouring to take such a review of the evidence in this cause, as might enable me to lay the questions of fact as they press between the King and the prisoner at the bar, with some tolerable distinctness before you, that you might see how the matter hinges, and that you might apply your attention and consideration to the real points of the case. I do not know whether I have succeeded or not, but I do hope I shall be able to point out to you the leading features of the enquiry, in a way that may be of some use to you in forming your judgment.

Gentlemen, I begin with stating to you, that I think it ought to be conceded to this prisoner, upon the whole result of this evidence, that he did set out originally upon that which is called the Duke of Richmond's plan of reform in Parliament---that is, upon a plan to obtain annual Parliaments and a representation of the people in the Commons' House of Parliament by universal suffrage; and I think, that it will be incumbent upon those who sustain the prosecution, to satisfy you, that this prisoner, and the other persons who have been concerned with him, whether irritated by their own enthusiasm, or by the example of France, have departed from that principle, and have entered into a criminal pursuit of another object---another object, in the opinion of very wise men, not very far removed from that act charged in the indictment: and it is that consideration which has made the laboured promulgations of such opinions so dangerous to the community. The object that I now allude to is the substituting in the room of an improvement, in the Commons' House of Parliament, a pure democracy---the establishment of a government by a representation of the people only, or what may be expressed under the words a full and free representation of the people.

Gentlemen, in this mass of evidence, which has been laid before you, there are to be found parts, and they will not be found to be extremely numerous, which will be fit to be submitted to your consideration, as grounds from whence the prosecutors have drawn this conclusion, and by which they support the assertion, that this departure from the original plan has been conceived, and that these people have entered into these criminal proceedings.

That

That part of the evidence which I would particularly refer you to are those passages in it which mark the conduct of these people in the course of the year 1792, prior to their addresses to the National Convention. When you have considered this, you will then be to consider those addresses to the National Convention, with the circumstances belonging to them. Having carried your eye through that enquiry, you will then be to look at their subsequent conduct, to the time of the dispersion of the British Convention in Scotland, which was the latter end of the year 1793; and then you will be to consider and to form your judgement upon this project of a Convention, which was conceived and proceeded upon to a certain degree, in the beginning of the year 1794.

Gentlemen, I think I may state to you, without troubling you with particular evidence, that it is clear from the whole mass of evidence that you have heard, that these popular societies had in the beginning of the year 1792 so conducted themselves, as to raise a question upon themselves and their conduct, some time before the addresses to the National Convention were presented. You will recollect, that it appeared from some of the papers that were read last night to that effect, that there was a society calling themselves the Friends of the People, consisting of men of rank, of property, and great distinction in the country, had refused to correspond with the Constitutional Society. You will recollect, that the same set of men had exhorted the Sheffield Society, with whom they were in correspondence in that year, but had exhorted them in vain, to make an explicit declaration of their attachment to the government---to the government as by law established. Some of these popular societies had gone so far in the public opinion, that a society at Stockport put the question directly in that year to the London Corresponding Society, by a letter addressed to the prisoner now at the bar, to know what it was they meant, and particularly to know whether they meant to go on with a House of Lords; intimating their doubt, whether with the House of Lords they could eventually reform the nation, particularly whether with the Bishops, one of the integral parts of the House of Lords, that liberty of conscience which they wished to establish, would ever be satisfactorily established. Another society, in the same year, from Norwich, put the question more distinctly and curiously, but in a way that could not possibly be misunderstood, for they put this direct question, and this was put by Curtis, in a letter to the prisoner Hardy---“Do you intend to rip up the monarchy by the roots?”---The society, it is in evidence, suspected that this last letter was a snare intended for them. You will recollect Lynam’s evidence to that effect, and it put them upon their guard; they answered it, and they answered the other letter. To be sure, one might reasonably have expected, that men, who
adopted

adopted the Duke of Richmond's plan with sincerity of heart, and who meant not to go beyond the Duke of Richmond's plan, would have, when so called upon, most distinctly avowed the extent of their plan, in terms which would admit of no qualification or exception; they would have avowed their dutiful attachment to the King---they would have avowed their adherence to the constitution and government, as by law established in King, Lords, and Commons---they would have left no man to doubt, and particularly those persons who put the question to them, of what their opinions were upon those important points, which were to govern the conduct of others, what the opinions were that they really entertained.

Gentlemen, the answers to these two requisitions I shall desire may be read; not that I think, in a case of this nature, much stress ought to be laid upon particular expressions. God forbid that men's lives should depend upon nice interpretations and constructions of words. I am against even a very strict interpretation of actions to the prejudice of any prisoner; but sometimes expressions are too strong, sometimes transactions too explicit, to admit of any doubt as to their real interpretation and meaning.

Gentlemen, the Clerk will read the answers to these two requisitions, to you; attend to them, and see what it is they import, and particularly whether they do import any satisfactory and explicit avowal of attachment to the constitution of the country, as by law established, in King, Lords, and Commons.

(The Clerk read a letter, dated November 11, 1792. See p. 165, Vol. I. Another, dated November 26, 1792, in answer to the former. See p. 166, Vol. I. Another, without date, indorsed, "Received September 17, 1792. See p. 103, Vol. I. And, the answer, dated October 11, 1792. See p. 105, Vol. I.)

Gentlemen, all the critical observations that are to be made upon the particular expressions of these two answers have been already made to you, and you will judge of their proper force. I have no intention to repeat them, or to press them upon you. Such of them as strike your minds clearly and distinctly, are probably well founded. If it requires much niceness of critical enquiry to fix the meaning imputed to the words, I should advise you not to employ yourselves in that sort of criticism; I hope you will not; you would only entangle yourselves; and you would not see the case in its great outlines, which I believe is the only way in which it can be seen truly: one observation I shall only make upon this last answer, because it is immediately connected with the history of this transaction; namely, that in the last letter they inform the society at Stockport, that they have resolved upon addressing the French National Convention; and then follows this extraordinary passage: "Without entering into the probable effects of such a measure, effects which your society will not fail to discover, we invite you to join us." What were

the probable effects of this measure, which these persons were to discover? And why did they not expressly avow to this society the whole of their object, in terms that could admit of no possible equivocation or doubt?

These are the only observations that I shall make upon this letter: that they all afford abundant room for a great many others is very evident by the different comments you have heard upon them; how far they go is for your consideration: they state that they have resolved to address the French National Convention; they did in fact address the National Convention of France; and it is very apparent, in the evidence, that the society to which the prisoner Hardy belonged, took the lead in that measure: they notify, not only to the Stockport Society, but they also notify to the other society, with whom they were in intimate correspondence and connection, the Society for Constitutional Information, that they had resolved to address that Convention; that society having declared their approbation of the intention, they transmitted to the Constitutional Society the address they meant to send; and the result was, that the Society for Constitutional Information did not think fit to join them in that particular address, but they also resolved to address separately, and they in fact did address separately. What their objects were in presenting these addresses, are only darkly alluded to in that letter to the society at Stockport; but whatever their objects might be, this seems to be a fair observation upon their conduct, in respect to these two societies, to whom they send these answers, and their conduct in presenting these addresses---namely, that if you might or could suppose that they had measures to keep with these societies, the violence of some to controul, the moderation of others to animate, or any other objects which made it necessary for them to keep measures with these societies, or to answer every man in his own way, so as to lose none and increase the number of their followers; and if you were disposed therefore to attribute the particular language of these answers to some such necessity imposed upon this society, yet in respect of their addresses to the National Convention of France, they appear to be perfectly volunteers; to have no measures to keep with any body, and to be therefore directly responsible for all the immediate purport of these addresses, and the consequences which might be supposed to follow from them.

Gentlemen, I believe it may be necessary to trouble you with these addresses, because they will, and on the part of the prosecution they do infer from these addresses, this proposition---that they admit of no explanation whatever---that they are the conduct of determined republicans, going out of their way to express their zeal in the cause of republicanism. Now you will hear those addresses read, and judge for yourselves how far they merit that imputation.

(Read

(Read by the Clerk of the Court.)

" October, 1792. At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand. Read the following letter and inclosed address to the National Convention of France, from the London Corresponding Society."

Lord President. You need not read the letter; it does not appear that the prisoner was present. Go on to the address.

The Clerk reads the address of the London Corresponding Society, (See p. 161, Vol. I.) and Constitutional Society. (See p. 282, Vol. I.)

Lord President. I stated to you, Gentlemen, that these addresses had been presented. In the evidence it appeared they were presented by persons appointed from hence---one of them of the name of Frost. The language in which he presented them they are in possession of, and the evidence has been laid before you. It will be proper that you should hear it.

(The Clerk reads the address of Joel Barlow and John Frost, at the bar of the Convention.) See p. 284, Vol. I.

Lord President. Such was the language, Gentlemen, in which those addresses were presented to the National Convention in France. I forbear, at this time, to remark upon that language, and upon the conduct of those persons who were employed to deliver that address, except so far as that language is connected with the case of this prisoner, because for any other purpose it is not before you. But this language, though not held by the prisoner himself, nor by those persons who deputed Frost and Barlow to deliver it, yet it will be found to affect them in some degree, because the language of the presentation of the address is transmitted by them to the societies; and you will find an unqualified approbation of the conduct of Mr. Frost and Mr. Barlow, after they had informed them in what language the address had been presented, given by the Society for Constitutional Information, of which the prisoner at the bar, Hardy, was an associated member. One material observation that occurs upon that is, that it was publicly declared, that till the National Convention of France had begun to act, there was little to be done here with respect to the views of these popular societies. Whether that goes any way towards warranting the idea of a new interpretation of the words representation of the people, universal suffrage, and annual election, arising out of the proceedings of the National Convention in France, having exhibited that great scene on the theatre of the world then attempted to be carried into execution, is for your judgement. This presentation has expressed an expectation that felicitations might soon come to a National Convention or Assembly in England, and the idea is approved of by the society who sent Frost, for they thanked him in an unqualified manner. What then is that

National Assembly which might be established in England, and which was to be felicitated by France? That will be a material subject for your serious consideration.

Gentlemen, I have stated to you, that the only effect in this case which the language of the delegates who presented this address can have, is in respect of the adoption of it by the prisoner, and by the persons who were concerned with him.---It was truly observed, that when an agent is employed, it would be a cruel thing to bind the principal to any thing which goes beyond his direct agency; and it would be a cruel thing if the act of the agency cannot be separated from the agent, and if the principal has not approved of it; but if, in its own nature, the principal did approve of it, there is no hardship, or cruelty, or impropriety whatever, in construing the language and sentiments of the agents to be the language and sentiments of the principal.

Gentlemen, you will judge whether those concerned to support this prosecution have, upon solid grounds, or otherwise, branded this proceeding with rank republicanism, and with being a distinct avowal to every man within the knowledge where these addresses should come; that these were the people embarked in the cause of republicanism, it was an extremely important point to settle for the review of the further proceedings in this cause, because, undoubtedly, they have a very different complexion, as understood to be the proceedings of determined republicans, or as understood to be the proceedings of dutiful and loyal subjects to the King, zealously affected to the constitution of the country, as established in a King, Lords, and Commons. Men of the latter description are entitled to a large, liberal, and candid interpretation of all their words and actions; men of other principles must expect to have their language, their sentiments, and their conduct referred to those principles.

Gentlemen, the next head of enquiry for you will be the transactions of these societies subsequent to the presenting of those addresses, and prior to the conception of this present design of a National Convention in England, which is the immediate subject of this prosecution; and you will examine whether persons who have taken this extraordinary step, which seems to have been uncalled for, and to have had for its principal object a demonstration of the principles which actuated that address---whether the authors of it, and persons concerned in it, have in any manner redeemed themselves from the imputation which the presentation of these addresses has brought upon them by their subsequent conduct.

I stated to you, that as far as voting unqualified approbation, they immediately adopted it upon consideration, and after hearing their own agent's own comment upon it, he states the probable effect of presenting these addresses, which seems to have been partly

partly alluded to in the letter from the Stockport Society. What effects, say they, these addresses may have, we will not enter into---you may discover the person who presented this address stated the effects, that probably a felicitation would come from France to a National Convention in England.

Gentlemen, the acts of this society, more immediately referable to these sentiments, and which have been laid before you on the part of the prosecution, consist chiefly of votes of warm and unqualified approbation of the works of two celebrated writers, Thomas Paine and Joel Barlow---Paine writing upon the Rights of Man, Barlow writing upon what was called the Privileged Orders.---These works, whether the whole object of them was pointed that way or not, I do not take upon myself to say, not being sufficiently master of the whole extent of these works; but these works do most assuredly attack, directly and pointedly, the establishment of the monarchy of this country, and they do attack, more or less pointedly and directly, the establishment of that order in this country, the House of Lords. The societies not only approved of those works, but they dispersed them all over the country with a wonderful anxiety, and at a great expence. What for? The prosecutors ask you that question. Why is this done? They say, it is acting consistently, if it is done by republicans, who wish to subvert the monarchy, and overturn the established orders; but if it is done by dutiful subjects of the King, and persons attached to the constitution of the country, what explanation can they give of it? In the defence that was made for this prisoner, it was observed, that there were parts of these works going to the general rights of man, going to such general rights as can exist in society, without going into every establishment of particular societies in particular countries; that there were parts of the work to which there could be no objection; parts of the work, therefore, that might be disseminated by honest men and good subjects; and I know not but the observation may be fair. But another observation which arises upon that certainly is---was it not the duty of honest men and good subjects, and who thought they saw reason for disseminating those parts of the works of Thomas Paine and Joel Barlow, as might serve to enlighten the minds of mankind, upon subjects upon which they ought to be enlightened---I say, was it not fit for those who disseminated such works with such views, should they not have taken some pains to separate the bad part from the good, or at least should have given to the public some caution, that in reading those works they should make that separation; that when they were reading of the general rights of man, and should find passages striking at the monarchy of this country, that they would be careful not to imbibe prejudices against the monarchy of this country; and when they read observations upon the privileged orders, they should

should be cautioned not to attend to any thing that might strike at the privileged orders of this country, to which they were attached? Such, surely, should have been the conduct of good subjects; but that this was not the conduct of these persons, is most apparent---that it must have had the effect of doing a great deal of mischief towards alienating the minds of the King's subjects from his person, from his government, and the constitution, is perfectly clear. How much of that effect these persons intended, I shall leave entirely to your consideration: only thus much I think is clear---that there is nothing in these publications which can serve to remove any prejudices which arise against the prisoner, and those persons concerned with him, or arising from the presentation of those addresses to the National Convention, which seem to declare them determined republicans.

Gentlemen, another general feature in the transactions of these men, is the abundance of licentious publications scattered throughout the country; also tending to produce the same effect, the alienation of the affections of the country from the King and his government. That grievances may exist, and will exist, in all countries; that they may and will exist to an extent, greater or less, in this country, may be true; but dutiful and good subjects, who honestly mean the reform of those grievances, should take care, in their endeavours to procure that reform, not to hazard the overturning of the government itself. These are the transactions of the early part of the year 1793, upon which the prosecutors rely as marking a spirit of disaffection and republicanism, by which these men were actuated, and as evidencing a train of measures taken to prepare men's minds for the scheme they call radical reform---some alteration in the constitution and government of the country.

It appears that, in the course of the summer of that year, the idea of a National Convention to be held in Scotland originated, and they say for the prosecution, certainly not without colour. How far it is distinctly proved, you will judge; but they say for the prosecution, that it originated with this prisoner at the bar, because, they say, it was a letter written by this prisoner to Skirving, in Edinburgh, that recommended the measure to be taken by the popular societies to begin in Scotland. You will hear that letter read.

(The Clerk read a letter, dated London, the 17th of May, 1793; signed Thomas Hardy, and addressed to Skirving.) See page 118, Vol. I.

The particular expression upon which the finger is laid, is---
 "We wish you to begin there."---Now you will hear the answer that Skirving gives, and you will attend to it diligently, because that answer is charged by the prosecution to have a great deal of matter in it, tending to explain the mechanism of
 a National

a National Convention, and also what was to be the great object of it.

(*The Clerk read a letter, dated Edinburgh, the 20th of May, 1793; signed William Skirving, and addressed to Mr. Hardy.*) See page 119, Vol. I.

Gentlemen, almost every part of this letter deserves the most serious attention, with a view to those points which I stated to you just before the letter was begun to be read, and I think there is one paragraph in it which may require my re-stating to you. The writer says---“I have not a higher wish, in the present exertions for reform, than to see the people universally and regularly associated; because I am persuaded, that the present disastrous engagements will issue in ruin, and the people then must provide for themselves.” What do those mysterious words mean---“Disastrous engagements must end in ruin?” If they were understood to refer to any of the political engagements that this country was involved in, and which might end ill, the people would not, therefore, have to provide for themselves; that would not dissolve the government: therefore, what do they mean when they talk of these “disastrous engagements which will issue in ruin, and the people then must provide for themselves; and it would be unhappy, when we should be ready to act with unanimity, to be occupied about organization, without which, however, anarchy must ensue?” Why it is true, that if the country was to be brought into such a state that the government was to be destroyed, and there was no other government ready to take its place organized, if that is meant by organization, that it would be a very unhappy circumstance that “when they should be ready to act with unanimity, to be occupied about organization, without which, however, anarchy must ensue. We will not need but to be prepared for the event, to stand and see the Salvation of the Lord. Let us, therefore, take the hint given us by our oppressors; let us begin in earnest to make up our minds relative to the extent of reform which we ought to seek:” the extent of reform we ought to seek, consistent with all their professions and avowals, was distinct, and had been so a great while; it was the Duke of Richmond’s plan of reform: “be prepared to justify it, and to controvert objections; let us model the whole in the public mind; let us provide every stake and stay of the tabernacle which we would erect, so that when the tabernacles of oppression in the palaces of ambition are broken down under the madness and folly of their supporters, we then, without anarchy and all dangerous delay, erect at once our tabernacle of righteousness, and may the Lord himself be in it!”

What do these mysterious words mean? Are they right on the part of the prosecution in ascribing to this passage this sense--- that the writer supposed circumstances would arise, which would produce a dissolution of the government of the country; and that

that in that case it would be fit that some body of men should be ready to take the powers of government and act upon it; or do they only mean that a reform in Parliament will be found to be necessary, and when it would be necessary the people ought to be prepared to know what it is that they mean to ask, in what legal and constitutional form they mean to ask it?

Gentlemen, this is an exposition upon this doctrine of a Convention, coming from a Briton, and immediately communicated to this prisoner at the bar, and it has, in that respect, a direct application to him; and it is of the utmost importance to satisfy the world, that he has not been surprized into any thing, but that all manner of communication on the subject he has had, and has had an opportunity of weighing it.

Gentlemen, there is another exposition of a National Convention which the evidence affords, but I have not stated it to you particularly; and now I do mention it, I shall mention it stating---that under the particular circumstances it ought not to weigh against the prisoner---I mean, the speech of Barrere upon the subject of a National Convention, in which he takes a great deal of pains to shew that a National Convention is a thing perfectly consistent with an established government, for an established government was to be the general will by which the affairs of the country were to be conducted, so long as they were to be conducted; but the National Convention was the authority of the people itself, and which might lawfully, with the establishment of all governments, be resorted to, whenever there was occasion: a doctrine that was a little alluded to in the defence that was made on the part of the prisoner, but which, I think, was not meant to be supported by the Counsel; (for his proposition was, that the people had a right to alter their government;) if it had, I should have thought it right to interrupt the Counsel, but he treated it only as a general proposition, which, under certain circumstances, may be true, and the Court would not think of contradicting it formally; but it is a proposition, however, not proper to mention in a Court of Justice, and which they ought not to hear while they are sitting to administer the law---a proposition which tends to annihilate the whole system at once; yet an unwillingness to interrupt him, because it might interrupt and break in upon the thread of his defence, prevented my taking notice of it; and I only now take notice of it to shew, that it cannot have any application to the present case. But the reason why I think it is unfair to press upon the prisoner this exposition of a French National Convention, is, that as far as I can judge, it came over into this country from the *Moniteur*; and though it was received by the Constitutional Society, and ordered to be entered in their books, it does not appear to be translated into English till it comes here, and therefore I think that this prisoner at the bar might never have

have had an opportunity of knowing what Barrere had thought or said upon the subject, and consequently there was no opportunity of their sentiments having any influence upon his conduct; but it is otherwise surely with respect to this letter, which came to his hands---a letter of his own correspondence, found in his possession, and which he had a full opportunity of weighing, of asking any explanation, of rejecting any part of it, of constructing it, and of correcting the ideas that were in it; and if, after such a correspondence, such a measure was to be set on foot, taking care that it should not be set on foot with a possibility of its leading to any of these consequences which seem to be in a mysterious way spoken of in this letter.

Gentlemen, upon the 5th of October, in that year, the prisoner wrote a letter to Skirving, in answer to a letter of Skirving's, which seems to bear date the 2d of October: that letter is not in evidence; and in that letter (in the first of these letters that I have now mentioned) the prisoner speaks of himself and Margarot, highly approving of the project of the Convention in Scotland, and recommends to Skirving to write an official letter to his society, to Mr. Hardy's society, to propose to them to send delegates to that Convention; and in that letter he desires him not to take notice that he had had any communication with him; and that is accordingly done, and the delegates are in fact appointed. Here the prisoner Hardy appears quite in a new character; he was certainly not an inactive member of the society, independent of his situation as secretary; but, to be sure, it was an observation very much in his favour, as to the secret thoughts of his mind, that he was acting only as a secretary; and that he might be misled to put his name to a great many things to which his mind did not assent, not weighing, perhaps, the words he wrote. There are many people, undoubtedly, who copy whole sheets, without having any idea of the contents of any one in their minds at the time that they are writing; and such might be the nature of a secretary, in the way of his business, according to the understanding of the man. But here he is certainly a principal, and a most extraordinary one---a principal acting a good deal in a spirit of intrigue and duplicity, which totally changes the character of the man, as one should, without that piece of evidence, have understood it from all the rest of the evidence in the cause. The letter is written, and the delegates are appointed; they were very able men who were appointed, Margarot and Gerald. The Scotch Convention is held: the Scotch Convention sat for fourteen days, and was then dispersed by authority. What was to have happened if that Scotch Convention held had not been dispersed, we can only conjecture; but, in order to form any conjecture, any rational conjecture with respect to it, and in order to open our own minds to the general objects of this Convention that then sat,

you will call back to your memory just the leading features of it. It was represented to press on you, on the part of the prisoner, that it was only a meeting of the several delegates for a single object, to consider what was the best way of applying to Parliament to procure a reform in Parliament.

With respect to that, you will recollect the transactions of the year, with respect to an application to Parliament. There had been an application to Parliament, and the principal mover in Parliament was an honourable man, of whom you have heard, Mr. Grey, and the sincerity of his application to Parliament, I presume, no man alive will doubt; but the sincerity of their application to Parliament, upon this evidence, every man must doubt, because there are plain traces of this society, and other societies, coming into it, not as a measure that they approve, not as a measure that they expect any fruit from, but as a measure that they thought would be useful, by way of preparation for what they had in their minds, and to keep the public mind agitated upon that subject; and, in fact, you observe the avowed ostensible purpose, was not the only purpose of this Convention. In truth, upon the 9th or 10th day, you will recollect, when there is a motion made in this Convention, that a scroll of a petition to Parliament should be presented; they put the order of the day upon it, and negative it; and therefore it seems to me, that every thing that belonged to that which seemed to be the purpose of the meeting, was at an end. But, laying that object aside, view this Convention as it was, and as it gradually went on, you will find this Convention closely imitating the manners of the National Convention of France: you hear of primary assemblies and sections---Committees are common to all, and therefore no stress ought to be laid upon that. You perceive this Convention assuming to itself a formality very becoming, where it is the subject of no just exception, but, in the place in which it appears, certainly very alarming. They began, that is, the Convention is constituted, every day by solemn prayer; it closed every day by solemn prayer, after many forms of business, and no real business. There was also a Committee of Finance, to manage fifteen or twenty pounds, and other circumstances, that, in a cause of less consequence, would hardly be the subject of grave consideration. But, upon the 10th day, it is very striking: on that day they assumed to themselves to date from the Convention House, the first year of the British Convention

Recollect how closely that goes to the language of the National Convention of France, how nearly that goes towards assuming to be a power in the state, which was to have an epoch, from whence, to all the world, its proceedings might be marked and commence. I say, what would have happened, if this Convention had not been dispersed at the end of fourteen days,

no man alive can take upon himself to say, if they continued to assume in the manner in which they began, and some interval had been permitted to them. This seems to me to be warranted by what did happen in France---that supposing, in that time, any thing had happened to give the public opinion to that body of men, they had been the government of this country. They were however dispersed, and the consequence of that dispersion was, that proceedings have taken place, which it would ill become me, in this place, to make any observation upon, except that occasion was taken to complain of them as a great grievance, and most certainly this prisoner, and this prisoner's friends who were connected with him in these societies, did take occasion from thence to irritate the public mind to as great a degree as it was possible, by the reflections that were made upon those proceedings.

Gentlemen, the immediate consequence of the reflections which were dispersed upon the subject of these proceedings, was a plan of adopting a British Convention, to be held in England; which brings us nearly to the point to which all the present enquiry is to have its relation, more or less; and now it will deserve serious attention, on your part, to the circumstances with which this new plan of Convention was introduced to the public notice, and by which it was recommended to the public attention, in order to enable you to judge, whether the object of it was that peaceable object, which it is insisted upon on the part of the prisoner was really at the bottom of the whole, or whether the object of it must not have been, to carry into effect republican principles, and to introduce a full and free representation of the people, but not in the Commons' House of Parliament, under our constitution. One should have thought, that under any provocations, which these people thought they might feel, and might be justified in feeling, respecting any public events, yet with the circumstances of the dispersion of the former Convention, and all the objections that were made to that Convention, that if they were determined to have another Convention, they would, at least, have taken care so to guard their views, their language, and proceedings, that it should be impossible to be misunderstood; to have expressed themselves upon all occasions, especially where they opened the grounds of this Convention, with a decent moderation towards the government of the country, towards its proceedings, but with an express avowal of loyal sentiments, with an express disavowal of going any lengths that could be justly objected to, with an express disavowal of going beyond the original object of parliamentary reform, as stated by the Duke of Richmond; and every thing that was inflammatory would have been most carefully avoided, in order to prevent their purposes being misunderstood, and, what is more material, in order to prevent the measure itself from being, by any possi-

bility, productive of mischief. This should have been their conduct. What was their conduct you will see, and from that form your own conclusions. The papers which particularly mark it will be read to you: I do not consider it my business to enter into a particular comment upon them; they will make their own impression upon your minds, and you will take care they do not make an unreasonable impression, going too far: I certainly shall not press any thing upon you that may seem to lead you to construe them beyond their proper import.

Gentlemen, I think the first material paper, there are many which are connected with it, but the first great paper which is material in the view of it, in which I am now speaking, is the address of the 20th of January, 1794, from the Globe Tavern--- that address you will hear read.

(Read by the Clerk of the Court.)

See page 138, Vol. I.

Lord President. Gentlemen, you have heard this paper read of the 20th of January. There is express reference in it to a Convention in the latter part of it; and it was certainly voted and published at the time, when the idea of a Convention was in the minds of all these people. And now, Gentlemen, with regard to that paper you are to judge between the King and the prisoner, whether the object of that Convention was merely to procure that full and free representation of the people, with which the first part of the paper closes, in the Commons' House of Parliament, and in the due course of the law, and according to the constitution of the country; or whether that paper is to be considered as a public manifesto, as an appeal to the people against the government, to direct the people's mind to the overturning of the government, and directing the people's minds to the use that should be made of a Convention, for the purpose of overturning the government.

Gentlemen, this happened upon the 20th of January. They began in these two societies to consider how this Convention was to be brought about. The Constitutional Society had resolved upon it in terms that, upon the face of them, were open to some observation: people might object to it. The resolution of theirs was communicated to the Corresponding Society; there was a conference, then a Committee of Correspondence and Co-operation, in order to produce this Convention, and to consider the means of doing it. But before they come to that, the first joint Committee, they corrected in some measure the language of this proposed Convention, and they made it more moderate, and therefore it is fit it should be read. You will therefore read the resolution for a Convention, as proposed by the joint societies.

(Read by the Clerk of the Court.)

“ At a General Meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, April

April 11, 1794, Mr. Joyce made a report of the delegates of the London Corresponding Society, for the purpose of this society co-operating with the London Corresponding Society, and that they came to the following resolutions:

“ I. Resolved, That it appears to this Committee very desirable that a General Meeting or Convention of the Friends of Liberty should be called, for the purpose of taking into consideration the proper methods of obtaining a full and fair representation of the people.”

Lord President. That is the whole I wanted to be read. You see the language of it is a Convention or Assembly for the purpose of the proper methods of obtaining a full and fair representation of the people. This is the object as upon consideration they think fit to express, and it would never have been too late for them to have retracted any part of the rashness and violence of any former measures that they had taken; and therefore, if you are warranted to suppose, that, seeing the language that had before been used was too violent, and the sentiments too extravagant, if they really meant to moderate it, and meant to confine the object of the Convention within its just limits, they certainly ought to have the full benefit of it; but it is to be observed upon this resolution, couched as it is, that it is not accompanied with any express declaration that it is to be in the Commons' House of Parliament, and still less accompanied with any declaration that no attempt was intended against the authority of the King, or that no attempt was intended against the jurisdiction and authority of the House of Lords. And, Gentlemen, it does also happen in the case, that a subsequent public address is voted by the members of the Corresponding Society, to which this prisoner belongs, under very extraordinary circumstances. Upon the 14th of April they hold a General Meeting of this society. It seems to have been originally intended to have been held in a large room in Store Street, that purpose was by some means interrupted, and they adjourned to a place in the neighbourhood of London, to Chalk Farm; they there assembled to the number of two thousand or more, and there the resolutions that will be read to you presently, were voted. It is urged upon these resolutions by the prosecutor, that these are as violent, or more violent than the former; that they don't in the least correspond with the idea of simply attaining a reform in Parliament, upon the Duke of Richmond's plan; but that they are calculated to prepare the minds of the people for a violent crisis, and a crisis upon which a National Convention once assembled would immediately act, and in the nature of things would be called upon to act. Gentlemen, you will attend to that likewise, to see whether they put a proper construction upon it; why they assembled that meeting at all, is extremely difficult to comprehend; had they thought that the former resolutions had gone too far, and might

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be liable to great misconstruction, and by possibility might do a great deal of mischief, and therefore it was necessary to call another meeting for the purpose of correcting that extravagance, and bring things to a more moderate tone, and point out more distinctly the lawful object they had in view, and totally to exclude all idea of their going beyond that lawful object; and that the lawful measure they had in view might be conducted peaceably, and might produce its lawful end, certainly such a meeting, under these circumstances, might appear a proper thing; but if it should appear to you, that this was a second manifestation of pursuing the same idea, and giving it a great deal of force, and that this was meaning to impress the people with an idea that a force was ready to act when called upon, and to impress upon the public mind, that they were persons determined to go on in the course, which the proceedings of the 10th January had promulgated to the world; then that meeting, the resolutions at Chalk Farm, have a very different complexion: you will hear them read, and, as I said before, by that paper form your own judgement.

(*The Clerk reads the proceedings at Chalk Farm. See p. 5, of this volume.*)

Lord President. Gentlemen, it will be proper to mention to you, that you may direct your attention to this, that this was a letter, which had been written by the Corresponding Society, to the Society of the Friends of the People; and they begin their proceedings upon this 14th day of April, by reading that letter, and the answer of the Society of the Friends of the People, and then they come to their own address and resolutions; after these resolutions were read, they were ordered to be printed and published.

Gentlemen, one cannot hear this paper read without being astonished that men could be so blinded by any enthusiasm, or by any other affection of the human mind, as not to see that in such a publication as this, independent of the particular application of it to the subject of the present enquiry, that the sword of the law was hanging over their heads by a single thread, supposing they had imagined that the meeting for the Convention could not be prevented but by an act of Parliament; supposing it possible for them to believe this, it is impossible for them, if they had attended at all to the subject, or had taken any advice, but they must see that it was extremely criminal to publish to 200,000 people, the number of copies of those resolutions which they ordered to be printed, that there was a case in which the social compact was already dissolved, and that it was necessary to appeal to that principle and incontrovertible maxim of pure justice, that the safety of the people was the supreme law, and in cases of necessity the only law, which admits but of one interpretation, *Salus populi suprema lex*; for if the social compact be dissolved, and there be an end of the government, they must of course
resort

refer to that principle upon which another government must be framed, and, therefore, expressly encouraging the people to look out and expect the moment to arrive, when this social compact should be dissolved.

Gentlemen, it is a smaller consideration, but a consideration of importance with respect to the present question, that the eighth resolution and the tenth resolution do glance not in an indirect manner at the House of Lords, as a body in the Constitution not entitled to the respect of the people; of what excessive consequence that was in the present moment you will see; because, this was the moment in which that which was to be done in this National Convention, or Assembly, was the thing to occupy the minds of the people: and what was to be done? They say, on the part of the prisoner, that they went in a dutiful and regular course to collect the sense of the people, whose sense could be collected by that means; and then to present the united sense of the people in a regular and constitutional course to Parliament. Now was that, or could that be, the object of men who had assumed those characters which belong to them, after what they had done in addressing the French National Assembly, and who had taken the part they had done in all the subsequent proceedings up to the present moment? But there is another feature in this cause which must be taken into your consideration, upon this question, what they meant to do, in this Convention so ushered in by the resolution of the 20th of January, and so followed up by the resolution of the 14th of April.

There is a Constitutional Society at Sheffield: that Constitutional Society at Sheffield has been a leading society with the two societies here in London; they were represented to be extremely numerous; there was a meeting, in fact, as they say, of 10,000 people, upon the 7th of April, upon the Castle Hill; they were there conducted to the point to which they were brought by a Mr. Yorke, not a native of the place, but finding his way amongst them, and making that use of the opportunity which you have heard. Mr. Yorke was a member of the London Corresponding Society: under what direction he went to Sheffield, does not appear; how these resolutions were obtained, I do not think it extremely material to enquire further than this---that it is a satisfaction to know, that though there are the names of multitudes to these proceedings, there is every reason in the world to believe that but few are engaged in the depth of the project: of the 10,000 people assembled on the Castle Hill, there is no reason to suppose that 200 understood what was going forward: the trick of refusing to petition Parliament was concerted between four people, and how far any other part of the proceeding was concerted, we do not know; but, upon the other part of the evidence, we do learn, that the resolutions were passed at a time, and in such a manner, as it was impossible they should

should be understood by a great part of the people ; but, be that as it may, the promulgation to the world is the point that is material in this case ; and it was promulgated to the world that it was then resolved to petition the Parliament no more. It was put, and fairly, by the Counsel for the prisoner, that you will not conclude, that, because they who constituted that individual society, or those that conduct that society, were of opinion that they would petition no more ; it would not be such an unreasonable thing to put---that therefore a larger body of men more likely to command the attention and respect of Parliament would not petition. It was fairly put, and it is very fit to see whether there is a ground for that construction ; but when you come to examine the resolution as far as their sense, it does not admit of being so construed, for they state they will petition no more ; and the reason they assign is, because they ought not to petition a body who is not their representative, that is a reason that must apply to the House of Commons for ever, according to their opinion ; but it is also evident, by the parole evidence in the cause, that it was understood by the two societies in London, by the Corresponding Society and the other Society in London, that the Sheffield Society came to a resolution to petition no more, and that they were to consider no more of a petition to Parliament. Is that evidence negative evidence ? In my apprehension the weightiest evidence is not even that of evidence, but it is that evidence which arises from a comparison of the measures of this Convention with the measures of these addresses, which appear to be totally inconsistent with the idea of a Convention, for the purpose of an application to Parliament, but consistent with and calculated to give effect to a Convention for other purposes, and particularly for the purpose of establishing a government in this country, by a full representation of the people.

Gentlemen, there is a piece of parole evidence fit to be stated to you that respects this point---it is the evidence of Lynam. He says, at one of their meetings Mr. Beil asked, whether it was not to be collected from the addresses to the French Convention, that we wish to introduce their laws here. Margarot answered, No doubt ; and the other persons said nothing. Mr. Hardy was present ; it was at a delegate meeting. If they had no doubt, and if the nature of the transaction countenances that opinion, and if the transaction taken together should be irreconcilable to the other opinion, then there is a weight of evidence for your consideration, to prove the whole extent of the proposition as it is made on the part of the prosecution. The parole evidence applies both ways ; there is parole evidence of loose and unconnected preparations of arms. One witness, not of the best credit, said, that it was to defend the National Convention, when it should be called ; more witnesses say, it was to defend themselves against illegal attack, when they are questioned on the
other

other side on it; and this is clear, that in the idea of a National Convention, every thing is to be conducted peaceably and orderly; but it is for the National Convention being protected, and left at liberty to execute its orders and decrees, and therefore perfectly consistent with the idea of a National Convention, of inculcating peace and good order; for the truth undoubtedly is, and perhaps they saw it---that whatever the National Convention was to do, it was to have the voice of the people going along with it, and rendering all resistance to it unprofitable and useless, for it is in that way only, that such a Convention could execute its purpose. In the parole evidence a great deal of conversation was stated, particularly between Baxter and some others, of an expectation of a struggle, and preparation: standing alone, I should not have told you that there is any great reliance to be had upon that evidence, connected as it is with the whole transactions of these bodies; it is certainly an evidence fit to be taken into consideration by the Jury, and serving to mark what was in the minds of these people at the time they proposed this Convention, and whether it was that which this prosecution charges---to subvert the government, consequently deposing the King, which is an overt act of compassing the King's death.

Gentlemen, thus I have stated to you how the charge is shaped in the evidence, in order that you may take nothing from any impression you may conceive these circumstances to have made upon my mind, but judging entirely for yourselves, whether they justify the charge in the extent in which it is made, or no. Before you come to that consideration, however, you are to attend, and to attend with favour, to every thing that may be urged on the part of the prisoner.

Gentlemen, on the part of the prisoner, no part of the written evidence has been controverted; it could not well be controverted; and I think it has not been very weightily urged, that the prisoner had not such an active share in this transaction as would make him, not only in strictness of law, a principal, but to the satisfaction of every man's mind a principal, in the whole of these transactions. Undoubtedly, he was not only secretary, but a member of both societies, and not only a member, but an active member, and, in one or two instances, singularly active--the promoter, inventor, and designer of some of these measures. I do not think it necessary, therefore, to trouble you with a detail of the particular circumstances that personally affect him, so much affect him, that if the general impression of the case is right, there is no doubt as to that, that he cannot defend himself upon any ground of that sort.

Gentlemen, the Counsel for the prisoner did observe upon the fact of the resolution of the Sheffield Society not to

petition---that I have observed upon; they observed upon the temper and views of that society in general, as that might be collected from the correspondence of that society with the Society of the Friends of the People. You heard the letter last night: the effect of these letters you will consider, taking into your consideration the accompanying letter of the 26th of May to the Constitutional Society, and taking into your consideration, that though the Society of the Friends of the People had recommended to that Sheffield Society to make an explicit declaration, to avoid the suspicion of going too far, of their real sentiments, yet they declined to do it.

Gentlemen, they have made several fair and weighty observations upon the credit of the parole testimony, with respect to the situation of two of the witnesses introducing themselves into the society for the purpose of giving information of what passed there, and also with respect to the subject matter of the testimony itself, particularly that of arms, as having no necessary connection with this plan that was projected of a Convention; and I think there is a great deal of weight in that observation, and if it depended entirely upon the circumstance of arms to manifest the purposes of the Convention, I should state to you, that though it was a cause of great suspicion, yet it hardly went to the length of fixing, upon their plan of the Convention, the mischief and design to that mischievous extent which the prosecution has imputed on all the grounds which have occurred.

Gentlemen, they state the case of this prisoner at the bar thus---that he is a plain man, of great simplicity of manners, peaceable and orderly in his deportment, and a friend to the constitution of his country; having one great political object in his mind, which he has nourished, and which is by them limited to the obtaining a radical reform in the Commons' House of Parliament, by the introduction of universal suffrage and annual election; that he has taken this from a plan published in the name of the Duke of Richmond. They say, that this has been the sole object of all his measures, and particularly as far as he has been concerned in that particular measure of a Convention, which is now the subject of consideration; the idea of which Convention, they say, may fairly be understood to be also taken from that book; and there certainly is a very plain allusion in that book to the people's meeting together for the purpose of considering the means to execute that parliamentary reform that he had in expectation, also encouraged by the language of that book---that the united sense of a great number of people by delegates, expressed to the Parliament, would have more weight, and might have better success, than petitions from individuals, whether considered as individual men, or individual societies of men. They further insist, for the prisoner, that here is to be found

found no proof of a design to use this Convention to any other purpose; and that as to the horrible purpose of subverting the government, they say, it is not only not true, but that, in the nature of the thing, it is both impossible and improbable, considering the means as proportioned to the end---that if it was to be considered as a proceeding of the same nature with the British Convention in Edinburgh, it ought not to be deemed treasonable, because that was not deemed treasonable, but treated as a misdemeanor only; and they say, that whatever violence there may be in the resolutions and addresses, and other papers, there is contained in them no demonstration of the treasonable design now imputed. They appeal for him to the testimony of a great number of the members of the different societies with whom he has been connected, for the soundness of their principles, and for his own; their dutiful attachment to the King, and their respect for the Lords' House of Parliament; and the prisoner also appeals to the character given of him by a cloud of respectable witnesses, who represent him as a peaceable, sedate, religious, moral man, having (as many of them have collected from his conversations) this one object in view---a reform in Parliament; and as a particular manifestation of the conscious innocence of his conduct, they refer you to a proposition made by him to Mr. Sheridan, in the spring of 1793, to assist him in laying before Parliament his whole correspondence with the popular societies, and every thing that he could;---he is also represented, by Mr. Francis, as appearing to him sincerely desirous of attaining this object, a reform in Parliament, in the regular course, by a petition to the House of Commons, which he brought to Mr. Francis, as from the society, early in the month of May, 1793.

Gentlemen, I should have added, when stating that this was the plan of the Duke of Richmond, and that the whole that has proceeded might with some colour be referable to what was held that plan---I forgot to state, that at the time that was read there was a Protest produced in evidence by the prisoner's Counsel, of a great number of the Lords in Parliament, in which the same sentiments are stated with their approbation, and which states the sentiments of the right of the people to meet; that falling into the hands (if it ever did fall into the hands) of an ignorant man, especially if he happened to have an eager enthusiasm, would have very great weight upon him, and would lead him, at least as far as such function as that would purport to lead him, to the prosecution of violent measures. You will observe, that all that, the Duke of Richmond's plan and the Protest, and every thing belonging to them, is laid out of the case, by the nature of this prosecution. If there were to be a question, whether in a clear case of a project, strictly according to the Duke of Rich-

mond's plan, and strictly according to that Protest, any crime were attempted to be fixed upon assembling of a Convention for that purpose, then those sentiments would come to be of more weight, because then the direct question would be---whether even such a limited project could take such a course, about which, in this place, it would be indecent for me to say any thing. To be sure, no man can suppose, that either the Duke of Richmond's plan, or the language of the Protest, goes in the smallest degree to countenance the idea for proposing of a Convention, for the purpose of introducing a democracy in the country; that is the treason charged here: and therefore it is, that these pieces of evidence do not apply to that part of the case; they only apply to justify that which I have already in my own mind conceded to the prisoner---that really and truly, when he set out in this business, he was sincerely attached to that reform as expressed in the Duke of Richmond's plan, and that probably at that time he might not have had an idea of going beyond it: whether afterwards he had an idea of going beyond it, is another question.

The reply that has been made, impeaches the credit of the witnesses who have been examined on the part of the prisoner belonging to some of these societies, by implicating them in the violent measures taken by those societies; and, to be sure, the Sheffield Society in particular, who solicited a correspondence with the Constitutional Society, I have already taken notice of, which is undoubtedly open to a great deal of observation: and it is certainly true, that when men come to state upon their oaths that they are peaceable, orderly, and attached to the constitution of the country, and to the King, if they are found to be engaged in measures which import the direct contrary, it does go very strongly against their testimony; in that case it is *protestatio contra factum*---you must judge of men not by what they profess but by their actions. If they are engaged in violent measures, that overthrow every thing, it is not enough for them to say that they are, nor can they be taken to be peaceable subjects; and therefore it is impossible not to say, that the observations arising from that circumstance belonging to these societies that are violent, go some way towards impeaching their credit upon that point, of their peaceable intentions.

Gentlemen, the Counsel for the prosecution in the reply, refer you likewise to the written evidence, in proof of the duplicity of the conduct of this prisoner at the bar, particularly in his transaction with Mr. Francis---that we cannot suppose he was serious in his application to Parliament; that it was all a mere pretence; that they did not mean the Parliament to do any thing; and that it was only a measure of policy to carry on the general plan. They also observe upon the evidence as to his character, that though it is established by a cloud of witnesses, and in the
most

most satisfactory manner, that he is in his private character a fedate, moral, religious, good man, yet that his conduct in all these transactions marks strongly, that he is tainted deeply with enthusiasm: and I recollect the Counsel in reply mentioned the famous case in which enthusiasm was worked up to its utmost height, in the fifth-monarchy-men, who might be perfectly good moral and religious characters, and it would be upon their religion that the act of high treason would be fixed, to give countenance to the charge. So if a man is an enthusiast, his being a moral and religious man is at least a neutral circumstance, because a moral, religious man, if he chooses to let his enthusiasm carry him beyond his judgement, is exposed to be drawn into the circumstances in which the prisoner now stands. They say, that the acts done by this man, which are proved by the papers, and that part of the parole evidence that is unimpeached, are totally inconsistent to the professions which he has made, and with the opinions entertained of him with respect to these professions--- that his real object was only to have a reform in the Commons' House of Parliament; they say, they are consistent with the contrary idea; and, therefore, unless he can get rid of the transactions, it is in vain for him to say he wished only a reform in the Commons' House of Parliament.

Gentlemen, upon the whole of this statement, you are now to exercise your judgement; I do repeat it; and I desire, that in exercising your judgement, you will pay no more attention to any thing that I have said, than merely as it may serve to lead your consideration to those points, which seem immediately to constitute the particular charge against this man, and the evidence by which it is supported, and those points by which that defence may be supported, and the answer also that is given to the defence by the reply.

Every verdict, upon a clear point of fact, ought to be the Jury's own prerogative, and in a case of this nature, more particularly so, because, to be sure, one great object of this prosecution is, that the country may be satisfied, that they may see that the public justice of it has taken its fair course, and that the prisoner has that deliverance made for him, which the laws and constitution of the country in his case call for. I am very sorry to conclude with observing, that the dignity and decorum which belongs to such a court of justice as this is, has been too often interrupted both within and without doors; and what it is that men can mean by that conduct, who do not wish at once to dissolve all government, and the bonds of all society, I cannot imagine: I trust I shall hear no more of that, either in cases of the same kind with the present, or in any other case in which the public justice of the country may be called upon to act.

Gentlemen, you will now withdraw to consider of your verdict.

Gentlemen,

Gentlemen, it is proper to mention to you, that after you once withdraw, you can be allowed no refreshment; if you wish for any before you withdraw, there is no objection, now is the time to take it.

One of the Jury. My Lord, we thank you; we shall not have occasion for any.

The Jury having withdrawn about three hours, brought in a verdict---NOT GUILTY.

Lord President. I ought to take the first opportunity after this laborious attendance, very sincerely to thank you, Gentlemen of the Jury, for the readiness with which you have sacrificed so much of your personal convenience, and with which you have undergone the fatigue of this business.

Mr. Hardy. My fellow-countrymen, I return you my thanks.

Lord President. The prisoner must be discharged.

The populace, who, notwithstanding the wetness of the day, filled the streets adjacent to the Court House, received the news of his acquittal with the loudest acclamations of joy.

The Court was adjourned till Monday se'nnight.

Mr. Hardy's deportment, through the whole of his arduous trial, was distinguished by the most exemplary decorum---firm, temperate, and tranquil, he shewed throughout the conscious rectitude of his heart. There was no agitation, no arrogance, no disdain in his manner; no apparent uneasiness of reflection on his past conduct, and no emotion of alarm for its consequences. When the Jury pronounced their verdict of *Not Guilty*, he addressed them in a few words of grateful acknowledgment, for the attention they had paid to the long trial, and for the just verdict they had pronounced; but the words were drowned in the low, but universal noise of joy, that filled the Court.

He was immediately set at liberty, and having left the Court, Mr. Kirby, the Keeper of Newgate, conveyed him through his house privately; but it was in vain for him to resist the impetuosity of his fellow-citizens who surrounded the place: they drew him in a coach to his house in Piccadilly, making the tour of Pall Mall and St. James's Street.


He had been thus hurried along by the enthusiastic zeal of the multitude, and it was at length with difficulty that he was able to tell them that he was desirous of going to the house of his brother-in-law, in Lancaster Court, in the Strand. He was drawn thither, and having got out of the carriage, before he entered the house, he went into the Church Yard of St. Martin, and was shewn to the grave of his Wife, from whose side he had been taken when first seized, and who had fallen under the shock. The multitude respected this feeling with a sympathy that did them credit. They kept at a distance, while his relation pointed

pointed out to him the grave. After this affecting scene, he went into his brother's house, and, in a short address, thanked his fellow-countrymen for the kind interest they had shewn in his favour; and he requested them, as they valued the cause in which they had displayed their zeal, that they would separate in peace, as, if mischievous spirits should take advantage of their joy to disturb the public peace, it would be artfully misconstrued to the injury of the other prisoners.

The cry of "Home! home!" was given, and, in three minutes, the multitude quietly dispersed.

Mr. Erskine and Mr. Gibbs, whose glorious struggle upon this occasion will make them for ever dear to mankind, were eager to avoid the burst of gratitude that they expected from the multitude. They continued a very considerable time in the Court after the acquittal; but the vigilance and patience of gratitude were not to be wearied. They were recognized, and conducted in triumph to Serjeant's Inn, where that incomparable Defender of National Liberty admonished them in a few words, in his own impressive way, to retire to their separate homes, confident, from the grand proof of this day, that they had the best security for the maintenance of their rights, in the love of justice, which the Constitution had indelibly implanted on the English heart.---The honest Jury of Thomas Hardy had shewn to mankind, that it would not be easy to make Englishmen forget the principles in which they were bred, nor surrender the security to which they were born.

Mr. Erskine then retired from the window, and the populace, after a few huzzas, retired with the exclamation of "Erskine and Gibbs for ever!"

 *For Appendix, see end of Vol. I.*

FINIS.

